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OFFICIAL CODE

2001 EDITION

Volume 7

Title 8

Environmental and Animal Control and Protection

to

Title 10

Parks, Public Buildings, Grounds and Space

JUNE 2014 SUPPLEMENT



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PREFACE

These annual cumulative pocket parts update the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. These pocket parts contain the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of April 1, 2014.

This Supplement also updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources: Atlantic Reporter, 3d Series Supreme Court Reporter Federal Reporter, 3d Series Federal Supplement, 2d Series Bankruptcy Reporter.

Current legislation between pamphlets or pocket parts can be accessed online at www.lexisnexis.com/advance, www.lexisnexis.com/research, and <http://dcclims1.dccouncil.us/lims>.

The unannotated District of Columbia Official Code can be accessed on the District of Columbia Council Website at <http://www.dccouncil.us>.

Later laws and annotations will be cumulated in subsequent annual Pocket Parts.

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June, 2014

LEXISNEXIS

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Subchapter II. Water Pollution Control.

§ 8-103.09b. Stormwater In-Lieu Fee Payment Fund.

(a) There is established as a special fund the Stormwater In-Lieu Fee Payment Fund (“In-Lieu Fee Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

(b) The In-Lieu Fee Fund shall consist of revenue from payments to the In-Lieu Fee Fund to achieve stormwater retention obligations of regulated properties, as required by the Municipal Separate Storm Sewer System permit issued to the District by the Environmental Protection Agency.

(c) The In-Lieu Fee Fund shall be used for the installation, operation, and maintenance of stormwater retention facilities.

(d)(1) The money deposited into the In-Lieu Fee Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the In-Lieu Fee Fund shall be continually available without regard to fiscal year limitation.

(e) The District Department of the Environment shall publish on its website at least annually a report which includes a description of how revenues are spent from the In-Lieu Fee Fund and Anacostia River Clean Up and Protection Fund, established by subchapter I-A of this chapter [§ 8-102.01 et seq.].

(f) The report on the In-Lieu Fee Fund required by subsection (e) of this section shall include:

(1) The total amount of in-lieu fees collected to date;

(2) The total amount of funds spent to date;

(3) For each sub-drainage area or watershed, the aggregate off-site retention volume per year purchased with in-lieu fees, based on the location of regulated projects paying in-lieu fees; and

(4) For each of the stormwater retention facilities installed using In-Lieu Fee Fund dollars, the type of best management practices used by the facility, the gallons per year of stormwater volume achieved by the facility, the sub-drainage or watershed location of the facility, and a summary of the capital and maintenance costs of the project.

(Mar. 16, 1985, D.C. Law 5-188, § 10b, as added Dec. 24, 2013, D.C. Law 20-61, § 6022, 60 DCR 12472.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 6022 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) addition of this section, see § 6022 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No.

20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 6021 of D.C. Law 20-61 provided that Subtitle C of Title VI of the act may be cited as the “Stormwater In-Lieu

Fee Special Purpose Revenue Fund Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Subchapter III-A. Bloomingdale and LeDroit Park Backwater Valves.

§ 8-105.51. Definitions. [Not funded].

[Not funded].

(Apr. 27, 2013, D.C. Law 19-292, § 2, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director

of the Council in a certification published by the Council in the District of Columbia Register.

Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014.

§ 8-105.52. Backwater valve program. [Not funded].

[Not funded].

(Apr. 27, 2013, D.C. Law 19-292, § 3, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director

of the Council in a certification published by the Council in the District of Columbia Register.

Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014.

§ 8-105.53. Appeals. [Not funded].

[Not funded].

(Apr. 27, 2013, D.C. Law 19-292, § 4, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director

of the Council in a certification published by the Council in the District of Columbia Register.

Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014.

§ 8-105.54. Stormwater and sewage cleanup plan. [Not funded].

[Not funded].

(Apr. 27, 2013, D.C. Law 19-292, § 5, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved

budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the

Council in the District of Columbia Register.
Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014..

§ 8-105.55. Sandbag analysis and distribution. [Not funded].

[Not funded].
(Apr. 27, 2013, D.C. Law 19-292, § 6, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director

of the Council in a certification published by the Council in the District of Columbia Register.
Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014.

§ 8-105.56. Analysis of Rhode Island Avenue. [Not funded].
[Not funded].

(Apr. 27, 2013, D.C. Law 19-292, § 7, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director

of the Council in a certification published by the Council in the District of Columbia Register.
Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014.

§ 8-105.57. Applicability. [Not funded].
[Not funded].

(Apr. 27, 2013, D.C. Law 19-292, § 8, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director

of the Council in a certification published by the Council in the District of Columbia Register.
Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014.

§ 8-105.58. Sunset. [Not funded].
[Not funded].

(Apr. 27, 2013, D.C. Law 19-292, § 9, 60 DCR 2354.)

Editor’s notes. — Section 8 of D.C. Law 19-292 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director

of the Council in a certification published by the Council in the District of Columbia Register.
Section 9 of D.C. Law 19-292 provided that the act shall expire on September 30, 2014.

Subchapter III-B. District of Columbia Flood Assistance Fund.

§ 8-105.71. Definitions.

For the purposes of this subchapter, the term:

(1) “Authority” means the District of Columbia Water and Sewer Authority established pursuant to § 34-2202.02(a).

(2) “Backwater valve” means a device installed in a building drain or branch of a building drain that prevents the backflow of water and sewage into the building’s drainage system.

(3) “District of Columbia Flood Assistance Fund” or “Fund” means the District of Columbia Flood Assistance Fund established in § 8-105.73.

(4) “Personal property” means movable property not affixed to land, including goods, wares, merchandise, and household items and furnishings.

(5) “Program” means the Flood Assistance Fund Program established in § 8-105.72.

(6) “Property owner” means the owner of residential property or nonresidential property located within the District of Columbia or the owner of personal property, as defined in this section, housed within the District of Columbia.

(7) “Sewer” shall have the same meaning as provided in § 34-2202.01(9).

(8) “Sewer-line backup” means a wastewater backup into a building, which is caused by blockages, flow conditions, or malfunctions within the sewer system. The term “sewer-line backup” does not include wastewater backups resulting from flow conditions caused by overland flooding or blockages, flow conditions, or malfunctions of a private sewer lateral or internal building plumbing.

(Apr. 27, 2013, D.C. Law 19-293, § 2, 60 DCR 2613.)

Legislative history of Law 19-293. — Law 19-293, the “District Of Columbia Flood Assistance Fund Amendment Act of 2012”, was introduced in Council and assigned Bill No. 19-938. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec. 18, 2012,

respectively. Returned without signature from the Mayor on Feb. 4, 2013, it was assigned Act No. 19-661 and transmitted to Congress for its review. D.C. Law 19-293 became effective on Apr. 27, 2013.

§ 8-105.72. Flood Assistance Fund Program.

(a) Within 45 days of April 27, 2013, the Mayor shall establish a Flood Assistance Fund Program to reimburse District property owners for damage to personal property and residential property caused directly and exclusively by sewer-line backups that occurred during the time period established in subsection (b)(2)(C) of this section. The Program shall manage the District of Columbia Flood Assistance Fund established in § 8-105.73. The Mayor shall designate a Flood Assistance Fund Manager to oversee the Program.

(b)(1) The Flood Assistance Fund Manager shall:

(A) Coordinate with the Authority to determine eligibility requirements for property owners seeking reimbursement through the Flood Assistance Fund;

(B) Contract with a third party outside the District government to examine and evaluate the property damage for which a District property owner is seeking reimbursement;

(C) Establish the qualifications of the third party to evaluate property damage caused by sewer-line backup;

(D) Establish the criteria the third party shall use to evaluate the damage of a property;

(E) Inform District property owners and renters of the establishment of the Fund within 45 days of April 27, 2013;

(F) Create a process to receive and administer claims submitted by District property owners seeking reimbursement through the Fund;

(G) Establish additional Program requirements as needed; provided, that a property owner's mitigation of the property owner's damage is considered as a requirement; and

(H) Coordinate with the Authority to establish a flood assistance fund fee; provided, that the fee shall not exceed \$0.30 per Equivalent Residential Unit per month.

(2) In determining whether a residential property owner shall be eligible for reimbursement through the Program, the Flood Assistance Fund Manager shall require the property owner to establish:

(A) That the property owner owns or rents residential property in the District of Columbia;

(B) That all damage to the residential property described in subparagraph (A) of this paragraph or to personal property housed within the residential property described in subparagraph (A) of this paragraph, for which the property owner is seeking reimbursement, was caused directly and exclusively by a sewer-line backup;

(C) That the sewer-line backup occurred:

(i) After April 27, 2013; or

(ii) Between June 1, 2012 and April 27, 2013; provided, that the property owner submitted a claim to the Authority seeking reimbursement for property damage related to a sewer-line backup and the claim has not been resolved by the Authority, or the property owner has documentation of property damage related to a sewer-line backup that occurred during this time period, which the Program considers sufficient to evaluate for the purposes of eligibility for reimbursement; and

(D) That the property owner contacted the Program, in a manner prescribed by the Flood Assistance Fund Manager, or notified the Authority about a sewer-line backup within 48 hours of becoming aware of the damage to the property described in subparagraphs (A) and (B) of this paragraph.

(3) A property owner submitting a claim pursuant to paragraph (2)(C)(ii) of this subsection shall submit the claim no later than 6 months after April 27, 2013.

(4) In determining whether a property owner shall be eligible for reimbursement through the Program, the Flood Assistance Fund Manager shall consider the evaluation of the third party established in paragraph (1)(B) of this subsection.

(5) The Flood Assistance Fund Manager shall establish eligibility requirements, which shall be submitted to the Council for a 45-day period review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove by resolution the requirements within the 45-day period of review, the requirements shall be deemed approved.

(6) In executing the process to receive and administer claims submitted by District property owners, the Flood Assistance Fund Manager shall:

(A) Make an eligibility determination within 30 days of receipt of a claim for reimbursement;

(B) Notify a property owner, in writing, of the owner's eligibility for reimbursement through the Fund within 7 days of the determination;

(C) Manage the payment of individual claims reimbursed pursuant to this section; and

(D) Remit payment to a property owner within 45 days of issuing a determination that the property owner's claim has been deemed eligible for reimbursement.

(c) The Program shall submit a quarterly report to the Mayor and the Council which, at a minimum, shall include:

(1) The number of claims submitted;

(2) The geographic distribution of claims submitted and paid;

(3) The type of damage compensated by claims paid;

(4) The processing time for claims and disbursements;

(5) The total dollar amount of claims paid;

(6) The Flood Assistance Fund balance; and

(7) Administrative costs of operating the program.

(d) An action to recover for property damage may not be maintained against the District of Columbia or the Authority by a property owner who submits a claim pursuant to this section and is reimbursed through the Fund for the claim.

(e) Nothing in this section shall be construed to exclude from eligibility for the Program, a District property that is not in compliance with section P3008 of the 2006 International Residential Code or section 715 of the 2006 International Plumbing Code; provided, that upon receiving reimbursement through the Fund, a residential property owner shall install a backwater valve, pursuant to section P3008 of the 2006 International Residential Code and section 715 of the 2006 International Plumbing Code.

(f) No new rights or entitlements are created by this subchapter.

(Apr. 27, 2013, D.C. Law 19-293, § 3, 60 DCR 2613.)

Section references. — This section is referenced in § 8-105.71 and § 8-105.73.

Legislative history of Law 19-293. — See note to § 8-105.71.

§ 8-105.73. District of Columbia Flood Assistance Fund.

(a)(1) There is established as a nonlapsing fund the District of Columbia Flood Assistance Fund ("Fund"), which shall be used solely for the purposes stated in subsection (b) of this section. The Fund shall be funded by a flood assistance fund fee, established by the Flood Assistance Fund Manager pursuant to § 8-105.72. All funds collected from the fee defined in paragraph (3) of this subsection shall be deposited into the Fund and shall be disbursed by the Flood Assistance Fund Manager.

(2) Within 45 days of April 27, 2013, the Mayor shall transmit to the Council a proposed budget for the Fund.

(3) The Authority shall collect a flood assistance fund fee in an amount not to exceed \$0.30 per Equivalent Residential Unit per month from each property in the District; provided, that the fee shall not apply to District-owned properties or ratepayers enrolled in the Authority's Customer Assistance Program.

(4) All funds deposited into the Fund, and any interest earned on the funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation until September 30, 2014, subject to authorization by Congress.

(b)(1) The money in the Fund shall be used solely:

(A) To reimburse District property owners and renters whose personal property or residential property sustained damage as a result of a sewer-line backup pursuant to § 8-105.72; and

(B) To allow the Authority to recover the actual administrative costs associated with collecting the fee on the District's behalf.

(2)(A) Pursuant to paragraph (1)(A) of this subsection, the damage to the residential property or the personal property must have been sustained during the time period established in § 8-105.72(b)(2)(C); and

(B) The damage to the residential property or the personal property is not otherwise covered by an insurance policy.

(c) If, at the beginning of a fiscal year, the fund balance of the Fund exceeds the projected annual cost of all programs pursuant to subsection (b) of this section in that fiscal year by at least \$1 million, the Flood Assistance Fund Manager shall suspend payment and the collection of the fee defined in subsection (a)(3) of this section, until the excess is estimated by the Flood Assistance Fund Manager to be under \$500,000.

(d) If, upon the expiration of this subchapter, there is a balance in the Fund, the excess funds shall be refunded back to the Authority's customers who have paid the fee pursuant to subsection (a)(3) of this section.

(Apr. 27, 2013, D.C. Law 19-293, § 4, 60 DCR 2613.)

Section references. — This section is referenced in § 8-105.71 and § 8-105.72.

Legislative history of Law 19-293. — See note to § 8-105.71.

§ 8-105.74. Applicability. [Repealed].

Repealed.

(Apr. 27, 2013, D.C. Law 19-293, § 5, 60 DCR 2613; Dec. 24, 2013, D.C. Law 20-61, § 7013, 60 DCR 12472.)

Temporary Repeal of Section. — Section 5 of D.C. Law 20- (Act 20-91) repealed this section.

Section 8(b) of D.C. Law 20- (Act 20-91) provided that the act shall expire after 225 days of its having taken effect.

For temporary (225 days) repeal of this sec-

tion, see § 5 of the Fiscal Year 2013 Revised Budget Request Temporary Adjustment Act of 2013 (D.C. Law 20-14, September 19, 2013, 60 DCR 9554, 20 DCSTAT 1764).

Emergency legislation. — For temporary repeal of section, see § 5 of the Fiscal Year 2013 Revised Budget Request Emergency Adjust-

ment Act of 2013 (D.C. Act 20-74, May 23, 2013, 60 DCR 7592).

For temporary repeal of section, see § 7013 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384).

For temporary (90 days) repeal of this section, see § 5 of the Fiscal Year 2013 Revised Budget Request Emergency Adjustment Act of 2013 (D.C. Act 20-74, May 23, 2013, 60 DCR 7592, 20 DCSTAT 1424).

For temporary repeal of this section, see § 7013 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary repeal of this section, see § 7013 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-293. — See note to § 8-105.71.

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 8-105.75. Sunset.

This subchapter shall expire on September 30, 2014.

(Apr. 27, 2013, D.C. Law 19-293, § 6, 60 DCR 2613.)

Legislative history of Law 19-293. — See note to § 8-105.71.

Subchapter IV-A. Restrictions on Bisphenol-A, Polybrominated Diphenyl Ethers, and Perchloroethylene.

§ 8-108.02. Prohibitions on polybrominated diphenyl ethers.

(a) No person or legal entity shall manufacture, sell, offer for sale, or distribute any product containing the penta or octa mixtures of polybrominated diphenyl ethers; provided, that subsection (a) of this section shall not apply to original equipment manufacturer replacement parts or equipment for vehicles manufactured prior to March 31, 2011, or to used vehicles.

(b) Except as provided in subsection (c) of this section, after January 1, 2013, no person or legal entity shall manufacture, sell, offer for sale, or distribute any of the following products:

- (1) A mattress or mattress pad that contains the deca mixture of polybrominated diphenyl ethers (“Deca-BDE”);
- (2) Upholstered furniture intended for indoor use in a home or other residential occupancy that contains Deca-BDE; or
- (3) A television, monitor, or computer that has a plastic housing that contains Deca-BDE.

(c) The restrictions in subsection (b) of this section shall not apply to the following products containing Deca-BDE:

- (1) Transportation vehicles or products or parts for use in transportation vehicles or transportation equipment;

- (2) Products or equipment used in industrial or manufacturing processes;
- (3) Products for use in a medical context, including a hospital, treatment facility, or nursing home; or
- (4) Electronic wiring and cable used for power transmission.

(d) After January 1, 2014, no person or legal entity shall manufacture, sell, offer for sale, or distribute any product containing Deca-BDE; provided, that this section shall not apply to the following:

- (1) A retailer that is in possession of a product prohibited for manufacture, lease, sale, or distribution for sale or lease under subsections (b) and (c) of this section from selling, recycling, or otherwise disposing of a product that is in the retailer's or lessor's inventory on or after the date that the prohibition takes effect;
- (2) A person or legal entity from recycling a product that contains Deca-BDE;
- (3) A person or legal entity from selling, leasing, recycling, or otherwise disposing of a product that contains recycled Deca-BDE;
- (4) Any activity involving a product that contains Deca-BDE that occurs subsequent to the 1st sale at retail;
- (5) Products for use in a medical context, including a hospital, treatment facility, or nursing home if a suitable substitute is not available;
- (6) Vehicles manufactured prior to model year 2016, replacement parts or equipment for vehicles manufactured prior to model year 2016, or used vehicles; or
- (7) Vehicles, replacements parts or replacement equipment for vehicles manufactured during or after model year 2016 if the use of a Deca-BDE-free alternative would create a substantial and unreasonable hardship for manufacturers or consumers.

(e) The Mayor may create or adjust a de minimis exemption for products affected by this section, if feasibility or undue hardship on manufacturing justifies such action. The Mayor may also exempt products from this section for as long as feasibility or undue hardship justifies the exemption.

(Mar. 31, 2011, D.C. Law 18-336, § 3, 58 DCR 605; Oct. 23, 2012, D.C. Law 19-191, § 13, 59 DCR 10166.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-191 added (e).

Legislative history of Law 19-191. — Law 19-191, the “Pesticide Education and Control Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-643. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively.

Signed by the Mayor on August 9, 2012, it was assigned Act No. 19-446 and transmitted to Congress for its review. D.C. Law 19-191 became effective on October 23, 2012.

Editor's notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

Subchapter VI. Asbestos Licensing and Control.

§ 8-111.09. Criminal action.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 113(a) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 1A. DISTRICT DEPARTMENT OF THE ENVIRONMENT.

Subchapter I. General.

§ 8-151.03. District Department of the Environment; establishment; transfers.

Section references. — This section is referenced in § 8-152.01, § 8-152.02, and § 8-152.05.

CASE NOTES

ANALYSIS

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Standard of review.

Construction.

The District of Columbia Council has established the District of Columbia Department of the Environment to consolidate the administration and oversight of environmental laws, regulations, and programs into a single agency, D.C. Code § 8-151.03(a) (2008), and has expressly delegated to it the interpretive authority of all District of Columbia laws, rules, regulations, and standards relating to the environment. D.C. Code § 8-151.03(b)(1)(B)(iii). The District of Columbia Court of Appeals affords deference to an agency’s interpretation of the statute and regulations it is charged by the District of Columbia Legislature to administer, unless its interpretation is unreasonable or is inconsistent with

the statutory language or purpose. This deference stems from the agency’s presumed expertise in construing the statute it administers. When the construction of an administrative regulation rather than a statute is in issue, deference is even more clearly in order. *District of Columbia Dep’t of the Env’t v. E. Capitol Exxon*, 64 A.3d 878, 2013 D.C. App. LEXIS 169 (2013).

Standard of review.

Reversal and remand of an order by the District of Columbia Office of Administrative Hearings (OAH) for further consideration by the OAH was appropriate because the OAH failed to apply the proper deference, pursuant to D.C. Code § 8-51.03(b)(1)(B)(iii), to the District of Columbia Department of the Environment’s interpretations of its authorizing statutes and regulations. *District of Columbia Dep’t of the Env’t v. E. Capitol Exxon*, 64 A.3d 878, 2013 D.C. App. LEXIS 169 (2013).

CHAPTER 4. PESTICIDES.

Subchapter I. Pesticide Operations

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8-431. Definitions.

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8-435. Pesticide education. [Not funded].	8-439. Penalties.
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Subchapter I. Pesticide Operations.

§ 8-401. Definitions.

Section references. — This section is referenced in § 8-406.

Editor's notes. — Because of the codifica-

tion of D.C. Law 19-191 as subchapter II of this chapter, the preexisting text, §§ 8-401 through 8-419, has been designated as subchapter I.

§ 8-403. Pesticide applicators.

(a) *Licensing* — (1) No person shall purchase, use, or supervise the use of any restricted use pesticide unless he is licensed by the Mayor in accordance with this chapter and the rules and regulations promulgated thereto, except that a registered employee may purchase and use such pesticides under the direct supervision of a licensed commercial or public applicator.

(2) Application for a pesticide applicator's license shall be made in writing on a form prescribed by the Mayor. The Mayor shall establish fees in amounts sufficient to cover the cost of the licensing. A pesticide applicator license shall be valid for the period of time prescribed by the Mayor. The Mayor shall provide for the issuance of appropriate credentials for the applicator.

(b) *Certification* — (1) No person may be licensed to use any restricted use pesticide unless he has been certified by the Mayor in accordance with this chapter and the rules and regulations promulgated pursuant thereto.

(2) After a public hearing held in conformance with the provisions of subchapter I of Chapter 5 of Title 2, the Mayor shall prescribe regulations for the certification of private and commercial applicators.

(3) The Mayor shall establish categories and, where applicable, may establish subcategories, of commercial applicators, depending upon the types of pesticides used, the purposes for which they are used, the types of equipment required in their application, the degree of knowledge or skill required in their application, and other relevant factors.

(4) The Mayor shall require an applicant for commercial applicator certification to show, by written examination, and, as applicable, by practical testing, that he is competent in the proper handling, use, and application of pesticides in the certification categories for which he has applied, and that he knows the dangers involved and precautions to be taken in connection with the use and application of such pesticides, and to meet such other requirements as the Mayor may hereafter prescribe.

(5) The Mayor shall develop procedures to ensure that all certified applicators continue to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(6) The Mayor shall establish a system for determining the competency of applicants for private applicator certification in the use and handling of pesticides.

(7) Application for certification shall be made in writing on a form prescribed by the Mayor. Applicator certification shall be valid for such period as prescribed by the Mayor. The Mayor shall provide for the issuance of appropriate credentials specifying the categories in which the applicator has demonstrated competency.

(8) If the Mayor does not certify the applicator under this section, he shall inform the applicant in writing of the reasons therefor.

(9) When determining the competency of an applicator, the Mayor shall ensure that an applicator demonstrates mastery of the principles of integrated pest management.

(Apr. 18, 1978, D.C. Law 2-70, § 4, 24 DCR 6867; Oct. 23, 2012, D.C. Law 19-191, § 12(a), 59 DCR 10166.)

Section references. — This section is referenced in § 8-408.

Effect of amendments. — The 2012 amendment by D.C. Law 19-191 added (b)(9).

Legislative history of Law 19-191. — Law 19-191, the “Pesticide Education and Control Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-643. The Bill was adopted on first and second readings on

June 26, 2012, and July 10, 2012, respectively. Signed by the Mayor on August 9, 2012, it was assigned Act No. 19-446 and transmitted to Congress for its review. D.C. Law 19-191 became effective on October 23, 2012.

Editor’s notes. — Applicability of D.C. Law 19-191: Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

§ 8-403.05. Notification to abutting properties.

A certified applicator or registered technician, before applying a restricted-use pesticide outside the confines of an enclosed structure, shall take reasonable actions to give notice of the date and approximate time of any such pesticide application to property that abuts the property to be treated.

(Apr. 18, 1978, D.C. Law 2-70, § 4e, as added Oct. 23, 2012, D.C. Law 19-191, § 12(b), 59 DCR 10166.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-191 added this section.

Legislative history of Law 19-191. — See note to § 8-403.

Editor’s notes. — Applicability of D.C. Law 19-191: Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

§ 8-404. Registered technicians.

(a) No person, except those acting as a private applicator or licensed as a commercial applicator, public applicator, or registered technician shall apply any pesticide in the District for a fee.

(b) The application to become a licensed registered technician shall be made in writing on a form prescribed by the Mayor, and the registration shall be valid for the time period prescribed by the Mayor. The Mayor shall, by regulation, establish appropriate education and training requirements for registration as a registered technician.

(c) The Mayor shall provide for the issuance of appropriate credentials for all registrants.

(Apr. 18, 1978, D.C. Law 2-70, § 5, 24 DCR 6867; Oct. 23, 2012, D.C. Law 19-191, § 12(c), 59 DCR 10166.)

Section references. — This section is referenced in § 8-401 and § 8-408.

Effect of amendments. — The 2012 amendment by D.C. Law 19-191 rewrote this section.

Legislative history of Law 19-191. — See note to § 8-403.

Editor's notes. — Applicability of D.C. Law 19-191: Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

§ 8-411. Administration and enforcement; adoption of regulations.

(a)(1) The Mayor shall administer and enforce the provisions of this chapter, and is authorized to promulgate, rescind, and amend regulations, after a public hearing following due notice in conformance with the provisions of subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], to carry out the provisions of this chapter.

(2) Within 570 days of the effective date of the Pesticide Education and Control Amendment Act of 2012, passed on 2nd reading on July 10, 2012 (Enrolled version of Bill 19-643) [D.C. Law 19-191, effective October 23, 2012, and applicable October 1, 2013], the Mayor shall issue rules to implement the provisions of that amendatory act [D.C. Law 19-191].

(b) The Mayor is authorized, after a public hearing following due notice, to declare any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria, or other microorganism on or in living man or other living animals) which is injurious to the environment or the health of man or other animals to be a pest.

(c) The Mayor is authorized to prescribe pesticides and equipment to be used; restrict or prohibit the use of such materials to the extent necessary to protect the public health and safety; and to take such other action as he may deem necessary to prevent any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

(d) When the Mayor has reasonable cause to believe a pesticide or device is being distributed, stored, transported, offered for sale, or used in violation of any of the provisions of this chapter, or any of the regulations prescribed under the authority of this chapter, he may issue a written “stop sale, use, or removal” order to the owner or custodian of any such pesticide or device, and after receipt of such order no person shall sell, use, or remove the pesticide or device described in the order except in accordance with the provisions of the order.

(e) Any pesticide or device that is being transported, or having been transported is sold or offered for sale in the District, or is imported from a foreign country, in violation of any of the provisions of this chapter, may be

proceeded against in any court of competent jurisdiction by a process in rem for condemnation if:

(1) In the case of a pesticide, (A) it is adulterated or misbranded; (B) it is not registered pursuant to the provisions of this chapter; (C) its labeling fails to bear the information required by the FIFRA; (D) it is not colored or discolored and such coloring or discoloring is required under the FIFRA; or (E) any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration;

(2) In case of a device, it is misbranded; or

(3) In the case of a pesticide or device, when used in accordance with the requirements imposed under this chapter and as directed by the labeling, it nevertheless causes unreasonable adverse effects on the environment. In the case of a plant regulator, defoliant, or desiccant, used in accordance with the label claim and recommendations, physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when such effects are the purpose for which the plant regulator, defoliant, or desiccant was applied.

(f) If the pesticide or device is condemned, it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct, and the proceeds, if sold, less the court costs, shall be paid into the District Treasury and credited to the general fund; provided, that the pesticide or device shall not be sold contrary to the provisions of this chapter, the FIFRA, or the laws of the jurisdiction in which it is sold; provided further, that upon payment of the costs of the condemnation proceedings and the execution and delivery of a good and sufficient bond conditioned upon assurances that the pesticide shall not be sold or otherwise disposed of contrary to the provisions of this subchapter, the FIFRA, or the laws of any jurisdiction in which it is sold, the court may direct that such pesticide or device be delivered to the owner thereof. The proceedings of such condemnation cases shall conform, as near as may be to the proceedings used for the condemnation of insanitary buildings under § 6-903.

(g) When a decree of condemnation is entered against the pesticide or device, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the pesticide or device.

(h) Nothing in this chapter shall be construed as requiring the District to prosecute or institute other proceedings for minor violations of the chapter whenever the Mayor believes that the public interest will be best served by a suitable notice in writing to the alleged violator.

(i) The Mayor may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any regulation made pursuant to this chapter.

(j) In order to comply with section 4 of the FIFRA [7 U.S.C. § 136b], the Mayor is authorized to make such reports to the Environmental Protection Agency in the form and containing the information as the Administrator may from time to time require.

(Apr. 18, 1978, D.C. Law 2-70, § 12, 24 DCR 6867; Oct. 23, 2012, D.C. Law 19-191, § 12(d), 59 DCR 10166.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-191 added (a)(2).

Legislative history of Law 19-191. — See note to § 8-403.

Editor's notes. — Applicability of D.C. Law 19-191: Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

§ 8-418. Penalties.

(a) A person violating a provision of this subchapter or of a rule or regulation promulgated pursuant thereto, shall be fined according to the schedule set forth in Chapter 32 of Title 16 of the District of Columbia Municipal Regulations, or be imprisoned for not more than 90 days, or both.

(b) The Department may, as set forth by the Mayor in regulations, revoke or suspend the license of a pesticide operator or applicator who violates § 8-433 more than once in a calendar year in a manner that endangers human health or the environment.

(Apr. 18, 1978, D.C. Law 2-70, § 19, 24 DCR 6867; Oct. 5, 1985, D.C. Law 6-42, § 414, 32 DCR 4450; Oct. 23, 2012, D.C. Law 19-191, § 12(e), 59 DCR 10166.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-191 rewrote this section.

Legislative history of Law 19-191. — See note to § 8-403.

Editor's notes. — Applicability of D.C. Law 19-191: Section 14(a) of D.C. Law 19-191 provided that §§ 1 through 5 and 8 through 13 of the act shall apply as of October 1, 2013.

Subchapter II. Pesticide Education and Control.

§ 8-431. Definitions.

For the purposes of this subchapter, the term:

(1) “Agriculture” means land whose primary purpose and use is to raise crops.

(2) “Child-occupied facility” means a building or portion of a building which, as part of its function, receives children under the age of 6 years on a regular basis and is required to obtain a certificate of occupancy as a precondition to performing that function. The term “child-occupied facility” includes day care centers, nurseries, pre-school centers, kindergarten classrooms, child development centers, child development homes, child development facilities, child-placing agencies, infant care centers, and similar entities.

(3) “Department” means the District Department of the Environment.

(4) “District property” means buildings or land owned, leased, or otherwise occupied by the District government.

(5) “District restricted use” means a pesticide identified by the Department as requiring additional restrictions for use to prevent a hazard to human health, the environment, or property as set forth in § 8-432.

(6) “FIFRA” means the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 23, 1947 (61 Stat. 163; 7 U.S.C. § 136 et seq.).

(7) “Forestry” means trees on land that is at least one acre in size and at least 10% occupied by forest trees of any size or formerly having had such tree cover and not currently developed for non-forest use.

(8) “Integrated pest management” or “IPM” means an effective and

environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM programs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage economically, and with a strong preference for examining a range of cultural, mechanical, biological, and chemical practices and selecting a method presenting the least possible hazard to people, property, and the environment.

(9) “Minimum risk” means a pesticide registered with the Department, but exempt from federal registration under section 25(b) of the FIFRA [7 U.S.C. § 136w].

(10) “Non-essential” means a pesticide that is non-critical to managing pests that threaten health, property, or the environment in the District as set forth in § 8-432.

(11) “Pest” has the same meaning as provided in section 2299 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 2299).

(12) “Pest management” means the control of plants, insects, herbs, or rodents with chemical agents deployed as pesticides.

(13) “Pesticide” has the same meaning as provided in section 2299 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 2299); provided, that the definition shall not include:

(A) Fertilizers and other plant supplements whose primary purpose is to provide nutrition to plant-life and not to repel, treat, or control pests;

(B) Pesticides exempt under the FIFRA and its implementing regulations, specifically those pesticides exempted under section 25(b) of FIFRA [7 U.S.C. § 136w] and 40 C.F.R. 152.25(f), subject to reclassification as set forth in § 8-432;

(C) Individual repellents, personalized devices, and other agents not necessarily classified under FIFRA but employed by individuals for protection from pests;

(D) Sanitizers, disinfectants, and antimicrobial agents; and

(E) Other chemicals, devices, or substances excluded by the Department in regulations.

(14) “Pesticide application” means the spraying, laying, injecting, delivering, or other action whereby plants, insects, herbs, or other pests are controlled by a registered pesticide or a chemical agent that includes a registered pesticide.

(15) “Pesticide applicator” has the same meaning as provided in section 2299 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 2299).

(16) “Pesticide operator” has the same meaning as provided in section 2299 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 2299).

(17) “Pesticide registration fee” means the fee set for product registration by section 2506 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 2506).

(18) “Reduced risk” has the same meaning as provided in section 2209 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 2209).

(19) “Restricted use” means any pesticide or pesticide use classified as restricted through the process outlined by the Administrator of the United States Environmental Protection Agency in Subpart I of Part 152 of Subchapter E of Chapter 1 of Title 40 of the Code of Federal Regulations (40 C.F.R. § 152.160 et seq.), or a pesticide so designated by the Department by the process described in § 8-432.

(20) “School” means a public or private facility whose primary purpose is to provide K-12 educational services and includes adjacent or contiguous recreation centers or athletic fields owned or maintained by the educational facility.

(21) “University” means the University of the District of Columbia.

(22) “Waterbody” means those waters located within the District that are:

(A) Subject to the ebb and flow of the tide; or

(B) Free flowing, unconfined, and above-ground rivers, streams, or creeks.

(23) “Waterbody-contingent property” means property within 25 feet of a waterbody.

(Oct. 23, 2012, D.C. Law 19-191, § 2, 59 DCR 10166.)

Section references. — This section is referenced in § 8-440.

Legislative history of Law 19-191. — Law 19-191, the “Pesticide Education and Control Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-643. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively.

Signed by the Mayor on August 9, 2012, it was assigned Act No. 19-446 and transmitted to Congress for its review. D.C. Law 19-191 became effective on October 23, 2012.

Editor’s notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

§ 8-432. District restricted-use and non-essential pesticides.

(a) The Department shall create and maintain lists of pesticides classified as District restricted-use or non-essential.

(b) The Department shall, through regulations, designate as non-essential a pesticide that is non-critical to pest management in the District.

(1) Critical pest management includes controlling:

(A) Plants that are poisonous to touch or may cause damage to a structure infrastructure; or

(B) Insects that bite or sting, are venomous or disease-carrying, or that may cause damage to a structure or infrastructure.

(2) The Department shall presume that a pesticide should not be classified as non-essential if it is intended primarily for use on or for:

(A) Agriculture;

(B) Forestry;

(C) Promotion of public health or safety; or

(D) Other prescribed uses set forth in regulation.

(c) The Department shall, through regulations, designate as District restricted-use any pesticide that:

(1) When used as directed or in accordance with commonly recognized

practice requires additional restrictions for that use to prevent a hazard to human health, the environment, or property; or

(2) The Department determines presents a significant, scientifically sound basis justifying that reclassification.

(d) The Department shall offer an opportunity for public comment conforming to the conditions set forth in subsection (e) of this section before classifying as District restricted-use any pesticide that is not designated as restricted-use under 40 CFR § 152.175 or adding restrictions to a restricted-use pesticide designated under 40 CFR § 152.175.

(e) The opportunity for public comment required by subsection (d) of this section shall include at least one published notice in the District of Columbia Register regarding the proposed reclassification of a particular pesticide and a comment period of at least 30 days; provided, that the agency is required to hold a public hearing only if significant public interest is expressed during the 30-day comment period.

(Oct. 23, 2012, D.C. Law 19-191, § 3, 59 DCR 10166.)

Section references. — This section is referenced in § 8-431 and § 8-440.

Legislative history of Law 19-191. — See note to § 8-431.

Editor's notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

§ 8-433. Prohibited and restricted uses.

(a) No person or entity shall apply non-essential pesticides to schools, child-occupied facilities, waterbody-contingent property, or District property, except as provided in § 8-434.

(b) The Department may establish restrictions for District restricted-use pesticides when they are to be used on schools, child-occupied facilities, waterbody-contingent property, or District property.

(Oct. 23, 2012, D.C. Law 19-191, § 4, 59 DCR 10166.)

Section references. — This section is referenced in § 8-418, § 8-434, and § 8-439.

Legislative history of Law 19-191. — See note to § 8-431.

Editor's notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

§ 8-434. Exemptions.

(a) Section 8-433 shall not apply to the use of a pesticide for the purpose of improving or maintaining water quality at:

- (1) Drinking water treatment plants;
- (2) Wastewater treatment plants;
- (3) Reservoirs and swimming pools; and
- (4) Related collection, distribution, and treatment facilities.

(b) A person or entity may apply to the Department for an exemption from § 8-433 for a District restricted-use pesticide. The Department may grant an exemption if the applicant demonstrates:

- (1) That the applicant has made a good-faith effort to seek effective and

economical alternatives to the restricted-use or District restricted-use pesticides, and they are unavailable;

- (2) That providing a waiver will not violate District or federal law; and
- (3) That use of the restricted-use or District restricted-use pesticide on the property prohibited under § 8-433 is linked to a need to protect health, the environment, or property.

(c) A person or entity may apply to the Department for an exemption from § 8-433 for a non-essential pesticide. The Department may grant an exemption to apply a non-essential pesticide on property prohibited under § 8-433 if the applicant demonstrates:

- (1) That effective alternatives are unavailable;
- (2) That providing a waiver will not violate District or federal law; and
- (3) That use of the non-essential pesticide is critical and necessary to protect human health or prevent imminent and significant economic damage.

(d) A person or entity subject to § 8-433 may apply to the Department for an emergency exemption if an emergency pest outbreak poses an imminent threat to public health or if significant economic damage would result from the inability to use a pesticide prohibited or restricted by § 8-433. The Department shall impose specific conditions for the granting of emergency applications.

(e) The Department may, as set forth by the Mayor in regulations, require that an applicant who applies for substantially the same exemption at substantially the same property due to managing pests with proper adherence to IPM principles attend a District-approved IPM course.

(Oct. 23, 2012, D.C. Law 19-191, § 5, 59 DCR 10166.)

Section references. — This section is referenced in § 8-433.
Legislative history of Law 19-191. — See note to § 8-431.

Editor’s notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

§ 8-435. Pesticide education. [Not funded].

[Not funded].

(Oct. 23, 2012, D.C. Law 19-191, § 6, 59 DCR 10166.)

Legislative history of Law 19-191. — See note to § 8-431.
Editor’s notes. — Section 14(b) of D.C. Law 19-191 provided that §§ 6 and 7 of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan, as cer-

tified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register, but not before October 1, 2013.

§ 8-436. Annual reporting. [Not funded].

[Not funded].

(Oct. 23, 2012, D.C. Law 19-191, § 7, 59 DCR 10166.)

Legislative history of Law 19-191. — See note to § 8-431.
Editor’s notes. — Section 14(b) of D.C. Law

19-191 provided that §§ 6 and 7 of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan, as cer-

tified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register, but not before October 1, 2013.

§ 8-437. Pesticide applicator reports.

Pesticide applicators shall submit to the Department records of pesticide applications to property in the District on an annual basis in a form that the Department shall prescribe; provided, that applications of minimum-risk and reduced-risk pesticides are exempt from this requirement.

(Oct. 23, 2012, D.C. Law 19-191, § 8, 59 DCR 10166.)

Legislative history of Law 19-191. — See note to § 8-431. provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

Editor's notes. — Section 14(a) of D.C. Law

§ 8-438. Pesticide registration fee.

The Department shall set a pesticide registration fee of at least \$200.

(Oct. 23, 2012, D.C. Law 19-191, § 9, 59 DCR 10166.)

Section references. — This section is referenced in § 8-438.01.

Legislative history of Law 19-191. — See note to § 8-431.

Editor's notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

§ 8-438.01. Pesticide Registration Fund.

(a) There is established as a special fund the Pesticide Registration Fund (“Fund”), which shall be administered by the Department in accordance with subsection (c) of this section.

(b) The Fund shall consist of revenue from fees collected pursuant to § 8-438 and other pesticide license and registration fees.

(c) The Fund shall be used for the administration of the Department’s pesticide programs.

(d) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(Oct. 23, 2012, D.C. Law 19-191, § 9a, as added Dec. 24, 2013, D.C. Law 20-61, § 6072, 60 DCR 12472.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 6072 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) addition of this section, see § 6072 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No.

20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 6071 of D.C. Law 20-61 provided that Subtitle H of Title VI of the act may be cited as the “Pesticide Registration Fund Preservation Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 8-439. Penalties.

(a) A violation of this subchapter shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective July 16, 1985 (Law 6-42; D.C. Code § 2-1801.01 et seq.) (“Civil Infractions Act”). Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this subchapter, or the rules issued under authority of this subchapter, pursuant to the Civil Infractions Act. Adjudication of any infractions shall be pursuant to the Civil Infractions Act.

(b) The Department may, as set forth by the Mayor in regulations, suspend or revoke the license of a pesticide operator or applicator who violates § 8-433 more than once in a calendar year in a manner that endangers human health or the environment.

(Oct. 23, 2012, D.C. Law 19-191, § 10, 59 DCR 10166.)

Legislative history of Law 19-191. — See note to § 8-431.

Editor’s notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

§ 8-440. Rules.

(a) Within 570 days of October 23, 2012, the Mayor shall issue rules to implement the provisions of §§ 8-431 through 8-439.

(b) For rules issued pursuant to § 8-432, the Department shall afford great weight to the decisions made pursuant to section 18 of the FIFRA [7 U.S.C. § 136p].

(Oct. 23, 2012, D.C. Law 19-191, § 11, 59 DCR 10166.)

Legislative history of Law 19-191. — See note to § 8-431.

Editor’s notes. — Section 14(a) of D.C. Law 19-191 provided that §§ 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 of the act shall apply as of October 1, 2013.

SUBTITLE B. WASTE DISPOSAL AND MANAGEMENT.

CHAPTER 8. LITTER CONTROL ADMINISTRATION.

Sec.
8-802. Enforcement of regulations.

§ 8-801. Purpose of chapter.

Section references. — This section is referenced in § 1-303.23, § 47-2829, and § 47-2862.

CASE NOTES

Owner precluded from contesting violations.

Owner was precluded from contesting, before the administration law judge (ALJ) and the appellate court, the existence of uncontainerized waste violations under the Litter Control Administration Act, D.C. Code Ann. § 8-801 *et seq.* or the findings that his property lacked a required waste-hauling arrangement because he checked a box “Admit with Explanation” on the notices; however, the notices

were ambiguous as to whether an “Admit” extended to, and thus resolved, the “same violation” issue, the conclusion that, in admitting two violations, the owner admitted the same violations within 60 days was rejected, and a double fine for one violation was not warranted on the record. It was appropriate for the ALJ to rule initially on the owner’s challenges to service of process in his motion for reconsideration. *Williams v. D.C. Dep’t of Pub. Works*, 65 A.3d 100, 2013 D.C. App. LEXIS 249 (2013).

§ 8-802. Enforcement of regulations.

(a)(1) The Mayor of the District of Columbia (“Mayor”) shall enforce the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, §§ 601, 603, 604, 605, 606(a), (c), and (h), 607(a), (b), (c), (d), (e), (f), (g), (h), and (j), 608(a), 609(a), and 612 of Chapter 3 in Title 8 of the District of Columbia Health Regulations, enacted June 29, 1971 (Reg. 71-21; 21 DCMR 700.1 *et seq.*), §§ 3, 4, 5, 6, and 7 of Solid Waste Collection: Containers to be Used, effective February 21, 1973 (19 DCR 497; 21 DCMR 708), and a number of rules recorded in §§ 2221.6, 2407.12, and 2407.13 of 18 DCMR, §§ 101, 102, 103, 104, 108, 900.7, 900.8, 900.10, 1000, 1001, 1002, 1005, 1008, 1009, 2000, 2001, 2002, and 2010 of 24 DCMR. Contested cases arising from violations of the regulations listed in this section shall be adjudicated in accordance with the system provided in §§ 8-804, 8-805, and 8-808.

(2) Violations of the regulations listed in paragraph (1) of this subsection shall be subject to the civil administrative system and the civil sanctions provided in this chapter.

(b) The adjudication system shall comply with Chapter 5 of Title 2 [§ 2-501 *et seq.*].

(Mar. 25, 1986, D.C. Law 6-100, § 3(a), (b), 33 DCR 781; Oct. 9, 1987, D.C. Law 7-38, § 2(a), 34 DCR 5326; Mar. 16, 1989, D.C. Law 7-226, § 19(a), 36 DCR 595; Feb. 5, 1994, D.C. Law 10-68, § 17, 40 DCR 6311; Oct. 19, 2000, D.C. Law 13-172, § 909(a), 47 DCR 6308; Nov. 16, 2006, D.C. Law 16-175, § 2, 53 DCR 6499; Mar. 20, 2009, D.C. Law 17-314, § 2(a), 56 DCR 200; Mar. 25, 2009, D.C. Law 17-353, § 124(a), 56 DCR 1117.)

Section references. — This section is referenced in § 2-1831.03, § 8-803, § 8-807, § 8-808, § 8-811, § 8-812, and § 8-902.

Editor’s notes. — Section 4 of D.C. Law 19-289 would have rewritten (a)(1) to read as follows: “The Mayor of the District of Columbia (‘Mayor’) shall enforce the District of Columbia

Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226); D.C. Official Code § 8-1001 *et seq.*, §§ 601, 603, 604, 605, 606(a), (c), and (h), 607(a), (b), (c), (d), (e), (f), (g), (h), and (j), 608(a), 609(a), and 612 of Chapter 3 in Title 8 of the District of Columbia Health Regulations,

enacted June 29, 1971 (Reg. 71-21; 21 DCMR 700.1 *et seq.*), §§ 3, 4, 5, 6, and 7 of Solid Waste Collection: Containers to be Used, effective February 21, 1973 (19 DCR 497; 21 DCMR 708), a number of rules recorded in § 2221.6, 2407.12, and 2407.13 of 18 DCMR, §§ 101, 102, 103, 104, 900.7, 900.8, 900.10, 1000, 1001, 1002, 1005, 1008, 1009, 2000, 2001, 2002, and 2010 of 24 DCMR, and any rules relating to signs on public space, public buildings, or other property owned or controlled by the District issued pursuant to sections 1 and 4 of An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3,

1931 (46 Stat. 1486; D.C. Official Code §§ 1-303.21 and 1-303.23)."

Section 9 of D.C. Law 19-289 provided: "Any order, rule, or regulation in effect under a law replaced by this act shall remain in effect until repealed, amended, or superseded."

Applicability of D.C. Law 19-289, § 4: Section 10 of D.C. Law 19-289 provided that sections 3, 4, 5, 6, 7, and 8 of the act shall not apply until the Mayor's issuance of a comprehensive final rulemaking governing signs on public space and private property pursuant to section 2 of the act. Section 2 of D.C. Law 19-289 rewrote §§ 1-303.21 and 1-303.23, and repealed § 1-303.22.

CASE NOTES

Owner precluded from contesting violations.

Owner was precluded from contesting, before the administration law judge (ALJ) and the appellate court, the existence of uncontainerized waste violations under the Litter Control Administration Act, D.C. Code Ann. § 8-801 *et seq.*, or the findings that his property lacked a required waste-hauling arrangement because he checked a box "Admit with Explanation" on the notices; however, the no-

tices were ambiguous as to whether an "Admit" extended to, and thus resolved, the "same violation" issue, the conclusion that, in admitting two violations, the owner admitted the same violations within 60 days was rejected, and a double fine for one violation was not warranted on the record. It was appropriate for the ALJ to rule initially on the owner's challenges to service of process in his motion for reconsideration. *Williams v. D.C. Dep't of Pub. Works*, 65 A.3d 100, 2013 D.C. App. LEXIS 249 (2013).

§ 8-804. Response to notice of violation.

Section references. — This section is referenced in § 8-802 and § 8-807.

CASE NOTES

Owner precluded from contesting violations.

Owner was precluded from contesting, before the administration law judge (ALJ) and the appellate court, the existence of uncontainerized waste violations under the Litter Control Administration Act, D.C. Code Ann. § 8-801 *et seq.*, or the findings that his property lacked a required waste-hauling arrangement because he checked a box "Admit with Explanation" on the notices; however, the no-

tices were ambiguous as to whether an "Admit" extended to, and thus resolved, the "same violation" issue, the conclusion that, in admitting two violations, the owner admitted the same violations within 60 days was rejected, and a double fine for one violation was not warranted on the record. It was appropriate for the ALJ to rule initially on the owner's challenges to service of process in his motion for reconsideration. *Williams v. D.C. Dep't of Pub. Works*, 65 A.3d 100, 2013 D.C. App. LEXIS 249 (2013).

CHAPTER 10. SOLID WASTE MANAGEMENT AND MULTI-MATERIAL RECYCLING.

Subchapter III. Construction and Demolition Waste Recycling Accountability

Sec.
8-1071. Definitions.
8-1072. Certification.
8-1073. Construction and demolition recycling accountability.

Sec.
8-1074. Rules.
8-1075. Revocation.
8-1076. Penalties.
8-1077. Construction and Demolition Waste Recycling Fund.

Subchapter III. Construction and Demolition Waste Recycling Accountability.

§ 8-1071. Definitions.

[Not funded].

(Apr. 27, 2013, D.C. Law 19-294, § 2, 60 DCR 2619.)

Legislative history of Law 19-294. — Law 19-294, the “Construction and Demolition Waste Recycling Accountability Act of 2012,” was introduced in Council and assigned Bill No. 19-1032. The Bill was adopted on first reading on December 4, 2012. Signed by the Mayor on January 31, 2013, it was assigned Act No. 19-662 and transmitted to Congress for its review. D.C. Law 19-294 became effective on April 27, 2013.

Editor’s notes. — Applicability of D.C. Law 19-294: Section 9 of D.C. Law 19-294 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 8-1072. Certification.

[Not funded].

(Apr. 27, 2013, D.C. Law 19-294, § 3, 60 DCR 2619.)

Legislative history of Law 19-294. — See note to § 8-1071.

Editor’s notes. — Applicability of D.C. Law 19-294: Section 9 of D.C. Law 19-294 provided that the act shall apply upon the inclusion of its

fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 8-1073. Construction and demolition recycling accountability.

[Not funded].

(Apr. 27, 2013, D.C. Law 19-294, § 4, 60 DCR 2619.)

Legislative history of Law 19-294. — See note to § 8-1071.

Editor’s notes. — Applicability of D.C. Law 19-294: Section 9 of D.C. Law 19-294 provided that the act shall apply upon the inclusion of its

fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 8-1074. Rules.

[Not funded].

(Apr. 27, 2013, D.C. Law 19-294, § 5, 60 DCR 2619.)

Legislative history of Law 19-294. — See note to § 8-1071.

Editor’s notes. — Applicability of D.C. Law 19-294: Section 9 of D.C. Law 19-294 provided that the act shall apply upon the inclusion of its

fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 8-1075. Revocation.

[Not funded].

(Apr. 27, 2013, D.C. Law 19-294, § 6, 60 DCR 2619.)

Legislative history of Law 19-294. — See note to § 8-1071.

Editor’s notes. — Applicability of D.C. Law 19-294: Section 9 of D.C. Law 19-294 provided that the act shall apply upon the inclusion of its

fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 8-1076. Penalties.

[Not funded].

(Apr. 27, 2013, D.C. Law 19-294, § 7, 60 DCR 2619.)

Legislative history of Law 19-294. — See note to § 8-1071.

Editor’s notes. — Applicability of D.C. Law 19-294: Section 9 of D.C. Law 19-294 provided that the act shall apply upon the inclusion of its

fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 8-1077. Construction and Demolition Waste Recycling Fund.

[Not funded].

(Apr. 27, 2013, D.C. Law 19-294, § 8, 60 DCR 2619.)

Legislative history of Law 19-294. — See note to § 8-1071.

Editor’s notes. — Applicability of D.C. Law 19-294: Section 9 of D.C. Law 19-294 provided that the act shall apply upon the inclusion of its

fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

SUBTITLE E. ANIMAL CONTROL AND PROTECTION.

CHAPTER 18. ANIMAL CONTROL.

Subchapter I. General.

§ 8-1808. Prohibited conduct.

Section references. — This section is referenced in § 7-1009 and § 8-1802.

Temporary legislation.

For temporary (225 days) amendment of this section, see § 2 of the Classroom Animal for Educational Purposes Clarification Temporary Amendment Act of 2014 (D.C. Law 20- (Act 20-300), _____, 2014, 61 DCR 2572).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Classroom Animal for Educational Purposes Clarification Emergency Amendment Act of 2014 (D.C. Act 20-274, February 10, 2014, 61 DCR 1208).

CHAPTER 19. DANGEROUS DOGS.

§ 8-1906. Penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 113(b) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 21. RODENT CONTROL.

Subchapter I. Bureau of Rodent Control.

§ 8-2101.01. Establishment of Bureau of Rodent Control.

CASE NOTES

Applied in *Dauphine v. United States*, 73 A.3d 1029, 2013 D.C. App. LEXIS 527 (2013).

Subchapter II. Rodent Abatement Program.

§ 8-2103.05. Rodent harborage prohibited.

CASE NOTES

Applied in *Dauphine v. United States*, 73 A.3d 1029, 2013 D.C. App. LEXIS 527 (2013).

TITLE 9. TRANSPORTATION SYSTEMS.

SUBTITLE I. HIGHWAYS, BRIDGES, STREETS, AND ALLEYS.

Chapter
4. Street Repair and Construction.

SUBTITLE III. NATIONAL CAPITAL REGION TRANSPORTATION.

11. National Capital Region Transportation.

SUBTITLE IV. MISCELLANEOUS.

11A. Bus Shelters.

SUBTITLE I. HIGHWAYS, BRIDGES, STREETS, AND ALLEYS.

CHAPTER 1. HIGHWAY PLANS.

Subchapter IV. Federal-Aid Highway Projects.

PART B.

TRANSPORTATION INFRASTRUCTURE IMPROVEMENT GARVEE BONDING FINANCING.

§ 9-107.51. Definitions.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(a) of the Transportation Infrastructure Improvements GARVEE Bond Financing Temporary Amendment Act of 2013 (D.C. Law 20-69, February 22, 2014, 61 DCR 22, 20 DCSTAT 2999).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(a) of the Transportation Infrastructure Improvements GARVEE Bond Financing Emergency Amendment Act of 2013 (D.C. Act 20-218, November 26, 2013, 60 DCR 16528, 20 STAT 2610).

§ 9-107.52. Bond authorization.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(b) of the Transportation Infrastructure Improvements GARVEE Bond Financing Temporary Amendment Act of 2013 (D.C. Law 20-69, February 22, 2014, 61 DCR 22).

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 2(b) of the Transportation Infrastructure Improvements GARVEE Bond Financing Emergency Amendment Act of 2013 (D.C. Act 20-218, November 26, 2013, 60 DCR 16528, 20 STAT 2610).

CHAPTER 2. STREET AND ALLEY CLOSING AND ACQUISITION PROCEDURES.

Unit A. Street and Alley Closings.

Subchapter II. Street and Alley Closing Procedures.

§ 9-202.01. Authority of the Council.

Section references. — This section is referenced in § 6-101.02.

Editor’s notes.

Section 2 of D.C. Law 20-28 provided that the Council finds that the portion of Akron Place, S.E., abutting Squares 5641 and N-5641, in Ward 7, as shown on the Surveyor’s plat filed under S.O. 07-2117, is unnecessary for street purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat, S.O. 07-2117.

Section 3 of D.C. Law 20-28 provided that the Council finds that the portion of the public alley in Squares 5641 and N-5641, in Ward 7, as shown on the Surveyor’s plat filed under S.O.

07-2117, is unnecessary for alley purposes and orders it closed, with the title to the land to vest as shown on the Surveyor’s plat, S.O. 07-2117.

Section 2 of D.C. Law 20-35 provided that the Council finds that the T-shaped public alley in Square 77, in Ward 2, as shown on the Surveyor’s plat filed under S.O. 12-6036, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

Section 3 of D.C. Law 20-35 provided that the Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Subchapter IV. Public Space Names and Commemorative Works.

PART A.

NAMING OF PUBLIC SPACE.

§ 9-204.01. Scope of Council’s authority.

Section references. — This section is referenced in § 1-301.01, § 9-204.16, § 9-204.17, § 9-204.19, and § 10-1805.

Editor’s notes.

Delta Sigma Theta Way: Section 2 of D.C. Law 20-29 and D.C. Act 20-126 provided that the Council symbolically designates the 1700 block of New Hampshire Ave, N.W., in Ward 2, as “Delta Sigma Theta Way”.

Atlas Court: Section 2 of D.C. Law 20-30 provided that the Council designates the alley in Square 981 bordered by the 1100 blocks of H Street, N.E., and I Street, N.E., and the 800 blocks of 11th Street, N.E., and 12th Street, N.E., as “Atlas Court”.

Dimitar Peshev Plaza: Section 2 of D.C. Law 20-32 provided that the Council symbolically designates the intersection of 22nd and R

Streets, N.W., in Ward 2, as “Dimitar Peshev Plaza”.

Designation of Annie’s Way: Section 2 of D.C. Law 20- (Act 20-281) provided that, pursuant to §§ 9-204.01 and 9-204.03a, the Council symbolically designates the 1600 block of Church Street, N.W., between 17th Street, N.W., and Stead Park, in Ward 2, as “Annie’s Way”.

Designation of Belmont Park: Sections 2 and 3 of D.C. Law 20- (Act 20-304) provided that the Council designates the public right-of-way, west of Connecticut Ave., N.W., at the intersection of Connecticut Ave., N.W., and Belmont Road, N.W., shown on the Surveyor’s plat as adjacent to Lot 197, Square 2526, as “Belmont Park”. The newly designated Belmont Park is established as a public park and shall be maintained under the jurisdiction of the Department of Parks and Recreation.

CHAPTER 4. STREET REPAIR AND CONSTRUCTION.

*Subchapter III-A. Sidewalk Installation,
Safety, and Accessibility*

Sec.

9-425.01. Sidewalk installation requirements.

*Subchapter III-A. Sidewalk Installation, Safety, and
Accessibility.***§ 9-425.01. Sidewalk installation requirements.**

(a) For road segments that lack sidewalks on both sides of the street, road reconstruction, installation of a curb and gutter, or curb and gutter replacement shall include installation of a sidewalk on at least one side of the street.

(b) For roadways that are missing sidewalks, but are not undergoing major construction, sidewalk installation shall be prioritized for the following areas:

- (1) Missing sidewalks in school areas;
- (2) Routes that provide access to parks and recreational facilities;
- (3) Transit stops;

(4) Locations where the absence of a sidewalk creates substantial pedestrian safety risks; and

(5) Roadway segments for which residents petitioned to have sidewalks.

(c) The Mayor shall continue to accept and consider sidewalk petition requests from residents.

(Sept. 24, 2010, D.C. Law 18-227, § 2, 57 DCR 6923; Dec. 24, 2013, D.C. Law 20-61, § 6062, 60 DCR 12472.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 substituted “road reconstruction, installation of a curb and gutter, or curb and gutter replacement” for “road reconstruction or curb and gutter replacement” in (a).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 6062 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6062 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law

20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 6061 of D.C. Law 20-61 provided that Subtitle G of Title VI of the act may be cited as the “Priority Sidewalk Assurance Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

SUBTITLE III. NATIONAL CAPITAL REGION
TRANSPORTATION.

CHAPTER 11. NATIONAL CAPITAL REGION TRANSPORTATION.

*Subchapter IV. Washington Metropolitan Area Transit
Authority Compact.*

§ 9-1107.01. Congressional consent given to Compact
amendment.

Section references. — This section is referenced in § 1-1161.01, § 1-1162.24, § 1-1162.25, § 9-1107.03, § 9-1107.04, § 9-1107.05, § 9-1107.06, § 9-1109.01, and § 50-921.31.

CASE NOTES

ANALYSIS

Actions and proceedings.
—Sovereign immunity, actions and proceedings.
Arbitration.

Actions and proceedings.

— **Sovereign immunity, actions and proceedings.**

Defendant transit authority was immune from suit under 42 U.S.C.S. § 1983 because the states that signed the compact creating the authority conferred their sovereign immunities upon the authority. *McMillan v. Wash. Metro.*

Area Transit Auth., — F. Supp. 2d —, 2012 U.S. Dist. LEXIS 147057 (D.D.C. Oct. 12, 2012).

Arbitration.

Defendant transit authority was entitled to summary judgment with respect to plaintiff employee’s claims—that he was denied bonus money and that he was discharged without a hearing—were properly construed as labor disputes because he neither grieved nor submitted them to arbitration, and thus, the claims were not properly before the court. *McMillan v. Wash. Metro. Area Transit Auth.*, — F. Supp. 2d —, 2012 U.S. Dist. LEXIS 147057 (D.D.C. Oct. 12, 2012).

*Subchapter IV-B. Appointment of Board of Directors of the
Metropolitan Area Transit Authority.*

§ 9-1108.11. Requirements for appointment and service on
the Board of Directors of the Washington Metropolitan Area Transit Authority.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Washington Metropolitan Area Transit Authority Board of Directors Temporary Amendment Act of 2013 (D.C. Law 20-39, Nov. 5, 2013, 60 DCR 12151).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of the Washington Metropolitan Area Transit Authority Board of Directors Emergency Act of

2013 (D.C. Act 20-105, July 9, 2013, 60 DCR 10598, 20 DCSTAT 1812).

For temporary (90 days) amendment of this section, see §§ 2 and 3 of the Washington Metropolitan Area Transit Authority Board of Directors Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-216, November 23, 2013, 60 DCR 16522, 20 STAT 2606).

SUBTITLE IV. MISCELLANEOUS.

CHAPTER 11A. BUS SHELTERS.

Sec.
9-1159. Relation to other provisions of law.

§ 9-1159. Relation to other provisions of law.

The provisions of § 1-303.22 and Title 5A-1, Article 14 of the Building Code of the District of Columbia, pertaining to outdoor signs in the District of Columbia, shall not pertain to the advertisement resulting from the franchise agreement.

(May 10, 1980, D.C. Law 3-67, § 10, 27 DCR 1266.)

Editor’s notes. — Section 5 of D.C. Law 19-289 rewrote the section to read as follows: “The provisions of §§ 1-303.21 and 1-303.23, and rules issued pursuant to those sections, shall not pertain to the advertisement resulting from the franchise agreement.”

Section 9 of D.C. Law 19-289 provided: “Any order, rule, or regulation in effect under a law replaced by this act shall remain in effect until repealed, amended, or superseded.”

Applicability of D.C. Law 19-289, § 5: Section 10 of D.C. Law 19-289 provided that sections 3, 4, 5, 6, 7, and 8 of the act shall not apply until the Mayor’s issuance of a comprehensive final rulemaking governing signs on public space and private property pursuant to section 2 of the act. Section 2 of D.C. Law 19-289 rewrote §§ 1-303.21 and 1-303.23, and repealed § 1-303.22.

TITLE 10. PARKS, PUBLIC BUILDINGS, GROUNDS, AND SPACE.

Chapter

3. Fundraising for Recreational Facilities.

SUBTITLE II. PUBLIC BUILDINGS AND GROUNDS.

5A. Department of General Services.

SUBTITLE III. USE OF PUBLIC SPACE.

11. Rental and Utilization of Public Space.

SUBTITLE IV. SPECIFIC LOCALES.

12. Washington Convention and Sports Authority.

18. Waterfront Park at the Yards.

19. Walter Reed Army Medical Center.

CHAPTER 3. FUNDRAISING FOR RECREATIONAL FACILITIES.

Sec.

10-303. Creation of Fund; accounting and investment.

§ 10-303. Creation of Fund; accounting and investment.

(a) The Mayor shall establish for accounting and financial reporting purposes a Recreation Enterprise Fund (“Fund”) in accordance with generally accepted accounting principles.

(b)(1) There is hereby authorized a direct appropriation to the Fund equal to the amount collected from fees, concessions, and services and payments by developers seeking relief from zoning laws by way of the Planned Unit Development process considered part of the required community benefits package of the proposed Planned Unit Development. Revenue deposited into the Fund account shall be expended by the Department for the administration, improvement, and maintenance of property and programs managed by the Department and shall supplement, but not replace, services provided by the Department; provided, that payments by developers seeking relief from zoning laws in accordance with the Zoning Regulations of the District of Columbia (11 DCMR § 100 et seq.) and the Planned Unit Development process shall be expended on Department property within the boundaries of the Advisory Neighborhood Commission in which the Planned Unit Development is located. The Fund shall not be used to provide funding to other District government agencies, except to pay the principal and interest on bonds in accordance with § 10-304.

(2) Proceeds from the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.

(c)(1) Once each year, the Department shall publish in the District of Columbia Register a specific accounting of how monies in the Fund have been spent and an accounting as to the amount remaining in the Fund. The accounting shall include the name of the donor or an anonymous contribution, the amount of the contribution, a description of the property donated and the name of the program or recreation center upon which the funds have been expended.

(2) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(d) Proceeds of the Fund may be invested in a prudent and reasonable manner consistent with applicable District government policies and procedures with recommendations from the Recreation Assistance Board established by § 10-306.

(e)(1) Notwithstanding any other provision of law, the Department may contract for advertisements and sponsorships for programs, events, recreation centers, fields, pools, play courts, and other Department facilities within the Department's inventory.

(2) The Department shall not delegate the authority to contract for advertisements or sponsorships granted to it pursuant to paragraph (1) of this subsection to any other party.

(3) All proceeds received from advertisements and sponsorships shall be deposited into the Fund pursuant to this section.

(Mar. 23, 1995, D.C. Law 10-246, § 4, 42 DCR 452; Apr. 18, 1996, D.C. Law 11-110, § 20(a), 43 DCR 530; Mar. 3, 2010, D.C. Law 18-111, § 5091, 57 DCR 181; Sept. 14, 2011, D.C. Law 19-21, §§ 6042(c), 9064, 58 DCR 6226; Apr. 23, 2013, D.C. Law 19-275, § 2(c), 60 DCR 2058; Dec. 24, 2013, D.C. Law 20-61, § 5102, 60 DCR 12472.)

Section references. — This section is referenced in § 10-306.

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 rewrote (c)(2).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 5102 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5102 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title.

Section 5101 of D.C. Law 20-61 provided that Subtitle I of Title V of the act may be cited as the “Department of Parks and Recreation O-Type Amendment Act of 2013”.

Editor's notes. — Applicability of D.C. Law

20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 10-307. Rules.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of the Department of Parks and Recreation Fee-based Use Permit Authority Clarification

Emergency Amendment Act of 2014 (D.C. Act 20-299, March 14, 2014, 61 DCR 2570, 20 DCSTAT 3068).

SUBTITLE II. PUBLIC BUILDINGS AND GROUNDS.

CHAPTER 5. REGULATORY PROVISIONS.

Subchapter II. Capitol Grounds.

PART B.

GENERAL.

§ 10-503.17. Parades, assemblages, and displays forbidden.

Section references. — This section is referenced in § 10-503.18 and § 10-503.23.

CASE NOTES

Construction with other law.

Given that 40 U.S.C.S. § 6135 was rooted directly in the Capitol Grounds statute, 40 U.S.C.S. § 193g (restated at 40 U.S.C.S. § 5104), which was ruled unconstitutional but is currently found at D.C. Code § 10-503.17, and was relevant to a constitutional challenge

to § 6135, the court took judicial notice of that history because the facts could be accurately and readily determined from sources whose accuracy could not reasonably be questioned, pursuant to Fed. R. Evid. 201(b)(2). *Hodge v. Talkin*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 81727 (D.D.C. June 11, 2013).

CHAPTER 5A. DEPARTMENT OF GENERAL SERVICES.

Sec.
10-551.02. Organization.

§ 10-551.02. Organization.

There are established 6 primary organizational functions in the Department as follows:

- (1) Agency Management, which shall include the staff and organizational

units needed to carry out the overall plan and direction for the Department, including coordination and management for information technology, resource allocation, human resources, procurement, fixed-cost forecasting for District facilities, and the administrative functions of the Department;

(2) Capital Construction, which shall:

(A) Implement and oversee the Department's capital improvement program for District government facilities; and

(B) Execute the capital budget program, which includes the rehabilitation of existing real property facilities and construction of new facilities supporting the District;

(3) Portfolio Management, which shall coordinate:

(A) Lease administration;

(B) Allocation of owned and leased properties to District agencies;

(C) Property acquisition and disposition; and

(D) Rent collection from entities leasing District-owned or leased properties;

(4) Facilities Management, which shall coordinate the day-to-day operations of District-owned properties by:

(A) Maintaining building assets and equipment;

(B) Performing various repairs and non-structural improvements; and

(C) Providing janitorial, trash and recycling pickup, postal, and engineering services; provided, that the District of Columbia Public Schools ("DCPS") shall remain responsible for providing janitorial services at DCPS facilities;

(5) Contracting and Procurement, which shall provide services and support in procuring for the District:

(A) The construction, architecture, and engineering services;

(B) The facilities maintenance and operation services;

(C) The real estate asset management services, including leasing and auditing;

(D) The utility contracts;

(E) The security services; and

(F) Such other services necessary or desirable to improve the effectiveness of the Department and advance the purposes of this chapter; and

(6) Protective Services Division, which shall coordinate, manage, and provide security services for District government facilities through the use of special police officers and security officers, as defined in § 47-2839.01, civilian employees, or contractors.

(Sept. 14, 2011, D.C. Law 19-21, § 1023, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 70(a), 59 DCR 6190; Dec. 24, 2013, D.C. Law 20-61, § 1022, 60 DCR 12472.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 rewrote (6).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 1022 of the Fiscal Year 2014

Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 1022 of the Fiscal Year 2014 Budget Support Congressional Review Emer-

agency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 1021 of D.C. Law 20-61 provided that Subtitle C of Title I of the act may be cited as the “Department of General Services Protective Services Division Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

CHAPTER 8. SALE OF PUBLIC LANDS.

Subchapter I. General.

§ 10-801. Authorization; description of property; submission and approval of resolution; reacquisition rights; notice.

Section references. — This section is referenced in § 2-351.05, § 2-1217.151, § 6-1005, § 10-901, § 10-1904, § 10-1905, § 16-1332, and § 24-261.05.

Temporary Amendment of Section.

For temporary (225 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Justice Park Property Temporary Approval Act of 2013 (D.C. Law 20-19, October 3, 2013, 60 DCR 10874).

For temporary (225 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Hine Junior High School Temporary Amendment Act of 2013 (D.C. Law 20-41, December 5, 2013, 60 DCR 14714).

For temporary (225 days) amendment of this section, see § 2 of the Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2013 (D.C. Law 20-65, January 25, 2014, 60 DCR 16538).

Emergency legislation.

For temporary (90 days) extension of time to dispose of Eastern Avenue property, see § 2 of the Extension of Time to Dispose of Eastern Avenue Property Congressional Review Emergency Act of 2013 (D.C. Act 20-10, February 20, 2013, 60 DCR 3956, 20 DCSTAT 462).

For temporary (90 days) extension of time to dispose of Strand Theater property, see § 2 of the Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-11, February 20, 2013, 60 DCR 3958, 20 DCSTAT 464).

For temporary (90 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Justice Park Property Emergency

Amendment Act of 2013 (D.C. Act 20-66, May 15, 2013, 60 DCR 7230, 20 DCSTAT 1416).

For temporary (90 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Hine Junior High School Emergency Amendment Act of 2013 (D.C. Act 20-113, July 23, 2013, 60 DCR 11104, 20 DCSTAT 1814).

For temporary (90 days) African-American Civil War Memorial Museum Development, see §§ 2132 — 2134 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) African-American Civil War Memorial Museum Development, see §§ 2132 and 2133 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) amendment of this section, see § 2 of the Extension of Time to Dispose of the Strand Theater Emergency Amendment Act of 2013 (D.C. Act 20-205, October 17, 2013, 60 DCR 15482).

For temporary (90 days) amendment of this section, see §§ 2 and 3 of the Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Amendment Act of 2014 (D.C. Act 20-270, January 16, 2014, 61 DCR 790).

Short title. — Section 2131 of D.C. Law 20-61 provided that Subtitle N of Title II of the act may be cited as the “African-American Civil War Memorial Freedom Foundation Inc., Museum Development Act of 2013”.

Editor’s notes.

African-American Civil War Memorial and

Museum Development: Sections 2132 to 2134 of D.C. Law 20-61 provided for a protective covenant on, and restrictions on disposal of, 1925 Vermont Avenue, N.W., known for tax and assessment purposes as Lot 0827, Square 0361 (“the Grimke School”), for the establishment and operation of the African-American Civil War Memorial Museum and Visitor’s Center.

SUBTITLE III. USE OF PUBLIC SPACE.

CHAPTER 11. RENTAL AND UTILIZATION OF PUBLIC SPACE.

Subchapter I. General
Part B

Subchapter III. Rental of Public Structures in
Public Space

Rental of Public Space on or Above Surface of
Ground

Sec.
10-1141.03. Permits for the occupation of public space, public rights of way, and public structures.
10-1141.04. Rulemaking.

Sec.
10-1102.01. Regulations authorized; conditions.

Subchapter I. General.

PART B.

RENTAL OF PUBLIC SPACE ON OR ABOVE SURFACE OF GROUND.

§ 10-1102.01. Regulations authorized; conditions.

The Council of the District of Columbia is authorized to provide by regulation for the rental of portions of public space on or above the surface of the pavement or the ground, as the case may be, and not actually required for the use of the general public, for such period of time as the said space may not be so required or for any lesser period; provided, that nothing herein contained shall be construed as requiring the Council to require the payment of rent as a condition to the use of public space: (1) in accordance with the provisions of regulations promulgated under the authority of § 6-404; (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District; or (3) for the sale of newspapers of general circulation; provided further, that the proposed rental of public space within the area of the District of Columbia subject to the provisions of §§ 6-611.01 and 6-611.02, shall be submitted to the Commission of Fine Arts in accordance with the provisions of §§ 6-611.01 and 6-611.02. The regulations adopted by the Council of the District of Columbia shall provide that public space rented under the authority of this part shall be rented only to the owner of property fronting and abutting such public space; that any person using such space shall not acquire any right, title, or interest therein; that both the United States and the District of Columbia, and the officers and employees of each of them, shall be held harmless for any loss or damage arising out of the use of such space, or the discontinuance of any such use; that the Mayor may

require such space to be vacated upon demand by him and its use discontinued, with or without notice, and with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement; and that if any such use be not discontinued by the time specified by the Mayor, the said Mayor may remove from such space any property left thereon or therein by any person using such space under the authority of this part, at the risk and expense of the owner of the real property abutting such space.

(Oct. 17, 1968, 82 Stat. 1156, Pub. L. 90-596, title II, § 201.)

Section references. — This section is referenced in § 10-1102.01a.

Subchapter III. Rental of Public Structures in Public Space.

§ 10-1141.03. Permits for the occupation of public space, public rights of way, and public structures.

(a) The Mayor may issue permits to occupy or otherwise use public rights of way, public space, and public structures pursuant to this subchapter for any purpose, including the use of the foregoing for conduits, including conduits which occupy public space, or a public right of way on April 9, 1997.

(b) The Mayor may issue permits to occupy public space, public rights of way, and public structures pursuant to this subchapter without regard to whether the permittee owns the property abutting the public space, public right of way, or public structure which is the subject of the permit. The permits shall be subject to the terms and conditions set forth in any agreement entered into by the Mayor and the permittee to carry out the purposes of this subchapter, and to any regulations promulgated pursuant to this subchapter.

(c) The Mayor may revoke any permit issued pursuant to this subchapter at any time. In the event the Mayor requires any permittee to vacate all or any part of any public space, public right of way, or public structure for which a permit charge has been paid, the Mayor shall refund as much of the prepaid charge as may represent that portion of the permit which has been revoked.

(d) Public space, public rights of way, and public structures which are the subject of a permit issued pursuant to this subchapter may be leased or subleased only with the express consent of the Mayor.

(e) Upon the expiration or revocation of any permit issued pursuant to this subchapter, the Mayor may require, at the expense of the permittee, the immediate removal of any apparatus, structure, or device affixed or erected in public space or on a public right of way, or on a public structure, and the restoration of the public space, public right of way, or public structure to its condition prior to the issuance of the permit. If the permittee does not comply with the requirements of this section, the Mayor may remove any of the permittee's property and the cost of such removal shall be borne by the permittee.

(f) The Mayor shall require permittees blocking a sidewalk, bicycle lane, or other pedestrian or bicycle path to provide a safe accommodation for pedestrians and bicyclists.

(Apr. 9, 1997, D.C. Law 11-198, § 603, 43 DCR 4569; Dec. 13, 2013, D.C. Law 20-49, § 3(a), 60 DCR 15148.)

Section references. — This section is referenced in § 10-1141.02, § 10-1141.04, and § 39-501.04.

Effect of amendments. — The 2013 amendment by D.C. Law 20-49 added (f).

Legislative history of Law 20-49. — Law 20-49, the “Bicycle Safety Amendment Act of 2013,” was introduced in Council and assigned

Bill No. 20-140. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-188 and transmitted to Congress for its review. D.C. Law 20-49 became effective on December 13, 2013.

§ 10-1141.04. Rulemaking.

The Mayor shall issue regulations to implement this subchapter. These regulations shall:

(1) Provide for a nonrefundable application fee to be paid by any party applying for a permit pursuant to this subchapter. The fee shall be set in an amount to recoup some or all of the costs to the District of Columbia for reviewing the application;

(2) Provide for the payment of a nondiscriminatory, fair, and equitable charge for any permit issued in accordance with this subchapter. The Mayor may allow a permittee to pay a fixed charge for a set period of time, pay an amount based upon the amount of the public right of way or public space used or occupied, pay an amount based upon a revenue sharing formula, or provide in-kind services to the District in lieu of a monetary payment, or the Mayor may require a permittee to pay a combination of these items. The regulations may also provide for interest to be charged on late payments of any charges imposed pursuant to this subchapter;

(3) Generally establish categories of use and the extent to which public space, public rights of way, and public structures may be used;

(4) Establish and regulate the process through which any impact, modification, or damage to the public space, public-rights-of-way, or public structures may be compensated, which may include the establishment of user fees, including impact and other direct-use fees, charges, and penalties. The regulations shall include provisions governing the appropriate bonding and insurance requirements which must be satisfied by any party who receives a permit issued pursuant to this subchapter, and shall provide for any permittee to provide comprehensive indemnification to the District for any costs or damages which it incurs as a result of actions taken by the permittee in connection with the exercise of any rights or privileges granted in any permit issued pursuant to this subchapter;

(5) Provide for the payment of a technology charge or other surcharge to be added to the fee for each permit issued under § 10-1141.03;

(6) Treat the blockage of a sidewalk, bicycle lane, or other pedestrian or bicycle path the same as the closure of a lane of traffic, and in these cases apply similar regulations as that of a closure of a lane of traffic for each permit issued under § 10-1141.03;

(7) Define “safe accommodation,” as it appears in paragraph (8) of this section and in § 10-1141.03, in consultation with the Bicycle Advisory Council

and the Pedestrian Advisory Council, which definition shall apply to all permittees and shall ensure the safe and expedient passage of pedestrians and bicyclists; and

(8) Require permittees to submit for approval by the Mayor a traffic management plan that addresses safe accommodation for pedestrians and bicyclists before the issuance of a permit by the Mayor under § 10-1141.03.

(Apr. 9, 1997, D.C. Law 11-198, § 604, 43 DCR 4569; Oct. 19, 2000, D.C. Law 13-172, § 504, 47 DCR 6308; Nov. 13, 2003, D.C. Law 15-39, § 624, 50 DCR 5668; Mar. 13, 2004, D.C. Law 15-105, § 6(a), 51 DCR 881; Sept. 24, 2010, D.C. Law 18-223, § 6012, 57 DCR 6242; Dec. 13, 2013, D.C. Law 20-49, § 3(b), 60 DCR 15148.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-49 added (6), (7) and (8); and made related changes.

Legislative history of Law 20-49. — See

note to § 10-1141.03.

SUBTITLE IV. SPECIFIC LOCALES.

CHAPTER 12. WASHINGTON CONVENTION AND SPORTS AUTHORITY.

Subchapter I. General Provisions

Part B

General Provisions

Sec.
10-1202.05. Establishment of Board of Directors.

Sec.

10-1202.08a. Establishment of the Washington Convention Center Marketing Fund; marketing service contracts.

10-1202.18. Establishment of Advisory Committee.

Subchapter I. General Provisions.

PART B.

GENERAL PROVISIONS.

§ 10-1202.05. Establishment of Board of Directors.

(a)(1) The Authority shall be governed by a Board of Directors (“Board”) which shall be comprised of 11 members, one of whom shall be the Chief Financial Officer of the District of Columbia and one of whom shall be designated by the Mayor, both of whom shall serve as ex-officio voting members of the Board.

(2) The 9 public Board members shall be appointed by the Mayor with the advice and consent of the Council by resolution, in accordance with § 1-523.01.

(3) Of the 9 public Board members, 1 shall be from the hotel industry, 1 shall be from the restaurant industry, 1 shall be from organized labor, and the

remaining 6 shall have proven expertise in municipal finance, business finance, economic development, construction, sports, entertainment, or tourism.

(4) The members of the Board of Directors of the Washington Convention Center Authority serving on March 3, 2010, shall become members of the Board of Directors of the Washington Convention and Sports Authority and shall serve the remainder of their terms and may be reappointed to full terms as members of the Board of Directors of the Washington Convention and Sports Authority.

(5)(A) In addition to the members of the Board of Directors of the Washington Convention and Sports Authority serving pursuant to paragraph (4) of this subsection, the following 2 persons shall begin serving as public members on the Board of Directors of the Washington Convention and Sports Authority on March 3, 2010:

(i) The person who was serving as vice chairman of the District of Columbia Sports and Entertainment Commission Board of Directors on May 12, 2009; and

(ii) The President of the Hotel Association.

(B) The 2 public members appointed pursuant to this paragraph shall serve 4-year terms and may be reappointed.

(C) The wards of residence of the 2 public members appointed pursuant to this paragraph shall not be considered for the purposes of the restriction imposed by subsection (f) of this section.

(b)(1) All Board terms shall be 4-year terms; provided, the term of a public Board member who is serving in his or her second consecutive term on May 15, 2001, shall terminate on December 31, 2003.

(2) Repealed.

(c) Repealed.

(d) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the Board member whose vacancy is being filled. If any Board member is appointed to fill an unexpired term with more than 2 years remaining in the term, upon expiration of the term, that Board member shall be deemed to have served a full 4-year term.

(e) The Mayor shall appoint a chairperson of the Board from among the 9 public Board members with the advice and consent of the Council by resolution.

(f) Repealed.

(g) Each Board member shall be a resident of the District or establish residency not later than 6 months after appointment to the Board. The Mayor shall remove any Board member for failure to establish or maintain residency or for misconduct or neglect of duty (as defined by the Board in its by-laws) after notice to the Board member.

(h) Should a Board member be indicted for the commission of a felony, the Board member shall be automatically suspended from serving on the Board. Upon a final determination of guilt or innocence, the term of the Board member shall, respectively, be automatically terminated or reinstated.

(i) The Board shall meet no less than once every 60 days and shall be subject to the provisions of § 1-207.42.

(j) Six Board members shall constitute a quorum for the transaction of business, and an affirmative vote of a majority shall be necessary for any valid Board action. For purposes of issuing bonds, and adopting budgets and financial plans, the Chief Financial Officer of the District with respect to the issuance of bonds and the adoption of budgets and financial plans, shall be a member of the majority. No vacancy in membership, except a vacancy of the Chief Financial Officer of the District, shall impair the right of a quorum to exercise all rights and perform all duties of the Board.

(k) Board members shall serve without compensation, except that Board members may be reimbursed for all reasonable and necessary expenses incurred while engaged in official duties of the Board.

(l) The powers of the Board shall not be limited by any articles of incorporation or by-laws adopted by the Interim Board established pursuant to § 10-1202.17.

(Sept. 28, 1994, D.C. Law 10-188, § 205, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(c), 45 DCR 4826; Oct. 1, 2002, D.C. Law 14-184, § 2, 49 DCR 6059; Oct. 19, 2002, D.C. Law 14-213, § 16, 49 DCR 8140; Mar. 30, 2004, D.C. Law 15-112, § 2, 51 DCR 1348; Mar. 3, 2010, D.C. Law 18-111, § 2081(g), 57 DCR 181; Dec. 24, 2013, D.C. Law 20-61, § 7212(a), 60 DCR 12472.)

Section references. — This section is referenced in § 1-523.01.

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 repealed (f).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 7212(a) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 7212(a) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support

Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 7211 of D.C. Law 20-61 provided that Subtitle U of Title VII of the act may be cited as the “Destination DC Technical Clarification Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 10-1202.08a. Establishment of the Washington Convention Center Marketing Fund; marketing service contracts.

(a) There is established the Washington Convention Center Marketing Fund (“Marketing Fund”) to be maintained by the Authority to promote conventions, tourism, and leisure travel in the District and the hosting of sporting events, sports teams, recreational events, and entertainment events in the District.

(b) Monies in the Marketing Fund shall not be a part of, nor lapse into, the General Fund of the District. The Marketing Fund shall be audited at least once each year and a report of the audit shall be published by the Authority.

(c) The total dollar amount the Authority shall allocate to the Marketing

Fund shall be based on, as nearly as practical, an amount equal to not less than 17.4% of the amount collected each year from the tax imposed by §§ 47-2002.02(1) and 47-2202.01(1). The Authority shall deposit monthly an amount equal to not less than 17.4% of the amount as collected from the tax imposed by §§ 47-2002.02(1) and 47-2202.01(1) into the Marketing Fund.

(d) Where applicable, the marketing service contracts that the Authority may enter into shall include information on general and specific responsibilities, performance standards, pricing, financial reports and data, associated services, cooperative efforts with the Authority and the District, duration and termination of agreements, proprietary work product, notices, and remedies. All money received from the Authority under a marketing services contract shall be separately accounted for and subject to verification by audit. The Authority shall have the right at any time to terminate any marketing service contract for cause. In the event of termination for cause by the Authority, the services to be performed under the terms of the terminated marketing service contract shall be procured by request for proposals made pursuant to rules for the procurement of goods and services adopted by the Board.

(e) The marketing service contracts shall include a contract with:

(1) Destination, DC (formerly, the Washington, DC Convention and Tourism Corporation), pursuant to which Destination, DC shall be designated as the primary contractor to:

(A) Market and sell meetings and conventions for the Washington Convention Center and hotels in the District of Columbia;

(B) Market and promote the District of Columbia as a destination; and

(C) Increase revenue to the District of Columbia and the Authority by maximizing sales of hotel rooms and restaurant meals;

(2) The D.C. Chamber of Commerce, pursuant to which the D.C. Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

(3) The Greater Washington Ibero American Chamber of Commerce, for the purpose of pursuit of special projects, as designated by the Authority.

(e-1) The marketing service contracts may include contracts with:

(1) The DC Chamber of Commerce, pursuant to which the DC Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

(2) The Greater Washington Hispanic Chamber of Commerce (formerly known as the Greater Washington Ibero American Chamber of Commerce), for the purpose of pursuit of special projects, as designated by the Authority.

(f) The obligation of the Authority to make any payment pursuant to any marketing service contract and the amount thereof shall be subject, and subordinate, in all respects, to the obligation of the Authority to apply any amount deposited or required to be deposited in any fund or account established or maintained pursuant to any resolution, indenture, or trust agreement adopted by the Authority relating to any bonds, notes, or other obligations issued by the Authority pursuant to § 10-1202.10 in accordance with the provisions of such resolution, indenture, or trust agreement.

(g) Before entering into any marketing contract that is a multiyear contract or in excess of \$1 million during a 12-month period, the Authority shall submit the contract to the Council for review and approval under § 2-352.02.

(h) Beginning in fiscal year 2013 and each fiscal year thereafter, the Chief Financial Officer shall transfer \$3 million, as adjusted for inflation beginning in fiscal year 2015, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, from the General Fund of the District of Columbia to supplement the Marketing Fund.

(i)(1) In addition to any other limitation applicable under subsection (e)(1) of this section, funds transferred pursuant to subsection (h) of this section shall be limited to Destination DC-led advertising programs with the specific purpose to increase tourism and convention travel to the District of Columbia and further the purpose of the marketing service contracts entered into pursuant to subsection (e) of this section and used only for:

- (A) Targeted online advertising;
- (B) Search engine marketing;
- (C) Print media;
- (D) Broadcast media;
- (E) Social media marketing;
- (F) Outdoor media (billboards/signage);
- (G) Direct-to-consumer email campaigns; and
- (H) Pop-up experiential marketing opportunities.

(2) All uses of funds transferred pursuant to subsection (h) of this section shall be subject to mandatory return-on-investment analysis as determined by the Authority's marketing service contract oversight functions.

(3) Any funds transferred pursuant to subsection (h) of this section that are used outside the scope and intent of this subsection, as determined by the Authority pursuant to its marketing service contract oversight function, shall lead to the automatic revocation of remaining funds transferred at the beginning of that fiscal year pursuant to subsection (h) of this section and their reversion to the General Fund of the District of Columbia.

(Sept. 28, 1994, D.C. Law 10-188, § 208a, as added Aug. 12, 1998, D.C. Law 12-142, § 2(f), 45 DCR 4826; Apr. 13, 1999, D.C. Law 12-219, § 2, 46 DCR 288; Apr. 3, 2001, D.C. Law 13-259, § 2, 48 DCR 772; June 12, 2003, D.C. Law 14-310, § 7, 50 DCR 1092; Nov. 13, 2003, D.C. Law 15-39, § 1102, 50 DCR 5668; Oct. 20, 2005, D.C. Law 16-33, § 1252, 52 DCR 7503; Mar. 3, 2010, D.C. Law 18-111, § 2081(k), 57 DCR 181; Sept. 20, 2012, D.C. Law 19-168, § 7143, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 213, 59 DCR 6190; Dec. 24, 2013, D.C. Law 20-61, § 7212(b), 60 DCR 12472.)

Section references. — This section is referenced in § 10-1202.06.

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 added “as adjusted for inflation beginning in fiscal year 2015, as measured by the percentage

increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor” in (h).

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 7212(b) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 7212(b) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 10-1202.05.

Short title. — Section 7211 of D.C. Law 20-61 provided that Subtitle U of Title VII of the act may be cited as the “Destination DC Technical Clarification Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 10-1202.18. Establishment of Advisory Committee.

(a) There is established a Washington Convention Center Advisory Committee (“Committee”).

(b) The Committee shall consist of the following 19 members:

(1) The Deputy Mayor for Planning and Economic Development or the Deputy Mayor’s designee;

(2) The City Administrator or the City Administrator’s designee;

(3) The Chairman of the Council or the Chairman’s designee;

(4) The Chairperson of the Council’s committee with oversight over the Authority or the Chairperson’s designee;

(5) The Councilmember from Ward 2 or the Councilmember’s designee;

(6) Two members from the Shaw community appointed by the Mayor;

(7) Two members appointed by the Chairperson of the Council’s committee with oversight over the Authority;

(8) Two members from the community chosen by the Councilmember from Ward 2;

(9) One member chosen by the Advisory Neighborhood Commissioner for ANC2F;

(10) One member chosen by the Advisory Neighborhood Commissioner for ANC 6E;

(11) The Ward 2 Metropolitan Police Department representative;

(12) One member chosen by the Unite Here Mid-Atlantic Joint Board Local 25 (Hotel & Restaurant Employees);

(13) One member chosen by the local chapter of the American Institute of Architects;

(14) One member chosen by the local chapter of the American Planning Association;

(15) One member chosen by the Hotel Association of Washington D.C.; and

(16) The Chairperson of the Committee, who shall be appointed by the Mayor without limitations based upon ward residency.

(c) Members of the Committee who are not ex officio members shall have expertise in economic development, public safety, law, transportation, affirmative action, or local community issues.

(d) All members of the Committee shall be District residents.

(e) The Chairperson of the Commission shall be designated by the Mayor in consultation with the chairperson of the Council’s committee with oversight over the Washington Convention Center Authority.

(f) Members shall serve without compensation.

(g) Prior to adoption of a request for proposals or contract modifications for economic development projects, streetscape or pedestrian movement projects, and transportation or parking projects the Authority shall consult and receive comments from the Committee.

(h) The Committee shall advise the Authority with respect to the following:

(1) The needs of the community, including providing retail uses that are accessible to the community, which serve the needs of both the community and visitors to the Convention Center, and adequate security in and around the Convention Center;

(2) Parking issues, including parking for persons using or employed at the Convention Center and the prevention of parking in the surrounding neighborhoods by non-residents of those neighborhoods;

(3) Transportation issues, including proposals for directing traffic to and from the Convention Center away from the surrounding residential streets, providing a method of truck staging to minimize any adverse impact on the surrounding neighborhoods, restricting the parking of trucks, trailers, and buses to the Convention Center or other areas outside of the area surrounding the Convention Center, and providing adequate pull-off areas for taxicabs, buses, and shuttles;

(4) Economic development spin-off opportunities for surrounding neighborhoods;

(5) Participation by local, small, and disadvantaged business enterprises in the operation of the Convention Center;

(6) The development of environmental guidelines, including the mitigation of adverse noise and air quality impacts; and

(7) Other issues directly related to the operation of the Convention Center which are likely to have an impact on the community.

(h-1) The Committee shall serve as the liaison to the community on matters pertaining to the new convention center hotel and shall provide updates on the new convention center hotel at the regularly scheduled Committee meetings.

(i) The Committee shall dissolve one year after a Certificate of Occupancy is issued for the new convention center hotel; provided, that before such time Chairperson of the Committee may submit a request for renewal.

(Sept. 28, 1994, D.C. Law 10-188, § 218, 41 DCR 5333; Dec. 7, 2004, D.C. Law 15-213, § 2, 51 DCR 8822; July 18, 2008, D.C. Law 17-181, § 2, 55 DCR 6094; Mar. 25, 2009, D.C. Law 17-353, § 237, 56 DCR 1117; Oct. 22, 2009, D.C. Law 18-78, § 2(d), 56 DCR 6959; Mar. 3, 2010, D.C. Law 18-111, § 2081(q), 57 DCR 181; Dec. 24, 2013, D.C. Law 20-61, § 7212(c), 60 DCR 12472.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 substituted “ANC 6E” for “ANC2C” in (b)(10).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 7212(c) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 7212(c) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 10-1202.05.

Short title. — Section 7211 of D.C. Law 20-61 provided that Subtitle U of Title VII of

the act may be cited as the “Destination DC Technical Clarification Amendment Act of 2013”.

20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Editor’s notes. — Applicability of D.C. Law

CHAPTER 18. WATERFRONT PARK AT THE YARDS.

Sec.	Sec.
10-1801. Definitions.	utable to the Waterfront Park Retail Area.
10-1803. Creation of the Waterfront Park Maintenance Fund.	10-1805. Naming rights for the Waterfront Park.
10-1804. Allocation of sales tax revenue attrib-	

§ 10-1801. Definitions.

- For the purposes of this chapter, the term:
- (1) “Chief Financial Officer” means the Chief Financial Officer established pursuant to § 1-204.24a.
 - (2) “Contribution period” means the period of time beginning on July 1, 2012, and ending on June 30, 2017.
 - (2A)(A) “Cost-of-living adjustment” means an amount, for any calendar year, equal to the maximum dollar amount set forth in § 10-1804(a)(1) multiplied by the difference between the CPI for the preceding calendar year and the CPI for the calendar year beginning January 1, 2011, divided by the CPI for the calendar year beginning January 1, 2011.
 - (B) For the purposes of this paragraph, the CPI for any calendar year is the average of the CPI for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.
 - (3) “CPI” means the “Consumer Price Index-all items CPIU (1996=100) Washington-Baltimore, DC-MD-VA-WV,” or any successor index, as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor agency.
 - (4) “Maintenance Agreement” means a Waterfront Park Maintenance and Programming Agreement by and among the District of Columbia, Forest City SEFC, LLC, and the Capitol Riverfront Business Improvement District.
 - (5) “Project Developer” means Forest City SEFC, LLC, a District of Columbia limited liability company, its successors, or assigns.
 - (6) “Sales tax revenue” means the revenue resulting from the imposition of the tax under Chapters 20 and 22 of Title 47, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to § 10-1202.08.
 - (7) “Waterfront Park” means the approximately 5 acres located south of Water Street, S.E., between 2nd Street, S.E., and 4th Street, S.E., that are to be constructed for use as a public park.
 - (8) “Waterfront Park Benefit District” means the special assessment district established by § 47-895.22.

(9) “Waterfront Park Retail Area” means the real property known for tax and assessment purposes as Lots 803, 804, 805, and 806, Square 771.

(10) “Waterfront Park Special Assessment” means the special assessment imposed by § 47-895.23.

(Mar. 3, 2010, D.C. Law 18-105, § 2, 57 DCR 11; Dec. 24, 2013, D.C. Law 20-61, § 8042(a), 60 DCR 12472.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 added (2A).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 8042(a) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 8042(a) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and

assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 8041 of D.C. Law 20-61 provided that Subtitle E of Title VIII of the act may be cited as the “Waterfront Park at the Yards Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 8044 of D.C. Law 20-61 provided that §§ 8042 and 8043 of the act shall apply as of March 3, 2010.

§ 10-1803. Creation of the Waterfront Park Maintenance Fund.

(a) There is established as a special fund the Waterfront Park Maintenance Fund (“Fund”), which shall be used solely to pay the expenses of maintaining, operating, and improving the Waterfront Park and the expenses of events held in the Waterfront Park. The Chief Financial Officer shall deposit into the Fund the sales tax revenues attributable to the Waterfront Park Retail Area and revenue from the Waterfront Park Special Assessment. All monies in the Fund shall be paid by the Chief Financial Officer to the Capital Riverfront Business Improvement District pursuant to the terms set forth in the Maintenance Agreement. The payments from the Fund shall be an authorized expenditure by the District.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(Mar. 3, 2010, D.C. Law 18-105, § 4, 57 DCR 11; Dec. 24, 2013, D.C. Law 20-61, § 8042(b), 60 DCR 12472.)

Section references. — This section is referenced in § 47-895.24.

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 rewrote (a).

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 8042(b) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 8042(b) of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 10-1801.

Short title. — Section 8041 of D.C. Law 20-61 provided that Subtitle E of Title VIII of

the act may be cited as the “Waterfront Park at the Yards Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 8044 of D.C. Law 20-61 provided that §§ 8042 and 8043 of the act shall apply as of March 3, 2010.

§ 10-1804. Allocation of sales tax revenue attributable to the Waterfront Park Retail Area.

(a) During the contribution period, the sales and use tax revenue attributable to the Waterfront Park Retail Area shall be allocated and deposited into the Waterfront Park Maintenance Fund in the following amounts:

(1) In the 12-month period beginning July 1, 2012, \$380,000—or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area—if less than \$380,000;

(2) In each 12-month period beginning on each July 1 thereafter that is within the contribution period, an amount equal to \$380,000, increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)—or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area—if less.

(b) All sales and use tax revenue and revenue from the Waterfront Park Special Assessment received by the Chief Financial Officer by the 20th day of a month shall be deposited into the Fund by the Chief Financial Officer by the last business day of the following month.

(Mar. 3, 2010, D.C. Law 18-105, § 5, 57 DCR 11; Sept. 26, 2012, D.C. Law 19-171, § 74, 59 DCR 6190; Dec. 24, 2013, D.C. Law 20-61, § 8042(c), 60 DCR 12472.)

Section references. — This section is referenced in § 10-1801.

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 designated the existing provisions as subsection (a); substituted “\$380,000 — or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area — if less than \$380,000” for “\$380,000” in (a)(1); substituted “annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50) — or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area — if less” for “by the increase in the CPI during the period from July 1, 2012, to the beginning of that 12-month period” in (a)(2); and added (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 8042(c) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 8042(c) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 10-1801.

Short title. — Section 8041 of D.C. Law 20-61 provided that Subtitle E of Title VIII of the act may be cited as the “Waterfront Park at the Yards Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 8044 of D.C. Law 20-61 provided that §§ 8042 and 8043 of the act shall apply as of March 3, 2010.

§ 10-1805. Naming rights for the Waterfront Park.

(a) The provisions of subchapter IV of Unit A of Chapter 2 of Title 9 [§ 9-204.01 et seq.] shall not apply to the Waterfront Park.

(b) The authority to sell the naming rights for the Waterfront Park, including the right to sell the naming rights for portions of the Waterfront Park, is assigned to Forest City SEFC, LLC; provided, that:

(1) The name of the park shall be subject to the approval of the Mayor;

(2) Forest City SEFC, LLC, shall transfer all income generated from the naming of the Waterfront Park to the District; and

(3) The District is authorized to transfer the income transferred to the District pursuant to paragraph (2) of this subsection to the Capitol Riverfront Business Improvement District, performing services under the Maintenance Agreement.

(Mar. 3, 2010, D.C. Law 18-105, § 6, 57 DCR 11; Dec. 24, 2013, D.C. Law 20-61, § 8042(d), 60 DCR 12472.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 rewrote (b)(3).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 8042(d) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 8042(d) of the Fiscal Year 2014 Budget Support Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 10-1801.

Short title. — Section 8041 of D.C. Law 20-61 provided that Subtitle E of Title VIII of the act may be cited as the “Waterfront Park at the Yards Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 8044 of D.C. Law 20-61 provided that §§ 8042 and 8043 of the act shall apply as of March 3, 2010.

CHAPTER 19. WALTER REED ARMY MEDICAL CENTER.

Sec.

10-1906. Establishment of advisory committee.

§ 10-1906. Establishment of advisory committee.

(a) There is established a Walter Reed Army Medical Center Site Reuse Advisory Committee (“Committee”).

(b)(1) The Committee shall consist of the following 9 members:

(A) The Master Developer or the Master Developer’s designee;

(B) The Deputy Mayor for Planning and Economic Development or the Deputy Mayor’s designee;

(C) The Chairman of the Council or the Chairman’s designee;

(D) The Councilmember from Ward 4 or the Councilmember’s designee;

(E) Three community members, appointed by the Mayor, one member each from the Brightwood, Shepherd Park, and Takoma communities;

(F) One member of ANC4A chosen by ANC4A; and

(G) One member of ANC4B chosen by ANC4B.

(2) Members of the Committee appointed pursuant to paragraph (1)(E) of this subsection shall have expertise in economic development, public safety, law, transportation, affirmative action, or local community issues.

(3) Each member of the Committee, except the Master Developer or the Master Developer's designee, shall be a District resident.

(4) The Chairperson of the Committee shall be designated by the Mayor.

(5) Members shall serve without compensation.

(6) Members shall serve until replaced by their appointing authority.

(7) The member appointed pursuant to paragraph (1)(A) of this subsection shall not be a voting member.

(c) The Committee shall advise the LRA and Master Developer with respect to the following:

(1) The needs of the community, including providing retail uses that are accessible to the community that serve the needs of both the community and visitors to the Walter Reed Army Medical Center Site, and adequate security in and around the Walter Reed Army Medical Center Site;

(2) Parking issues, including parking for persons using or employed at the Walter Reed Army Medical Center Site and the prevention of parking in the surrounding neighborhoods by non-residents of those neighborhoods;

(3) Transportation issues, including:

(A) Proposals for directing traffic to and from the Walter Reed Army Medical Center Site away from the surrounding residential streets;

(B) Providing a method of truck staging to minimize any adverse impact on the surrounding neighborhoods;

(C) Restricting the parking of trucks, trailers, and buses at the Walter Reed Medical Center Site or other areas outside of the area surrounding the Walter Reed Medical Center Site; and

(D) Providing adequate pull-off areas for taxicabs, buses, and shuttles;

(4) Economic-development opportunities that may be created for surrounding neighborhoods as a result of the reuse of the Walter Reed Army Medical Center Site;

(5) The development of environmental guidelines, including the mitigation of adverse noise and air-quality impacts;

(6) Any request for proposal or contract modification for economic-development projects, streetscape or pedestrian movement projects, and transportation or parking projects; and

(7) Other issues directly related to the operation or redevelopment or reuse of the Walter Reed Army Medical Center Site that are likely to have an impact on the community.

(d) A quorum of the Committee shall meet at least 6 times per year.

(e) For the purposes of this section, the term "Master Developer" means the real-estate-development team selected by the Walter Reed LRA to implement the Walter Reed Reuse Plan.

(f) The committee shall be subject to the provisions of subchapter IV of Chapter 5 of Title 2 [§ 2-571 et seq.].

(g) This section shall sunset as of December 31, 2023.

(Oct. 16, 2012, D.C. Law 19-175, § 6a, as added Dec. 24, 2013, D.C. Law 20-61, § 2102, 60 DCR 12472.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see §§ 2102 and 2103 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) addition of this section, see §§ 2102 and 2103 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and

assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 2101 of D.C. Law 20-61 provided that Subtitle K of Title II of the act may be cited as the “Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

